

**STATE OF UTAH**  
**SENATE JOURNAL**  
**1999 GENERAL SESSION**  
**of the**  
**FIFTY-THIRD LEGISLATURE**  
**FIRST DAY**  
**MORNING SESSION**

*Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty-Third Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 18, 1999 at ten o'clock a.m.*

The Honorable Chief Justice Richard C. Howe, called the Senate to order.

Prayer – Elder Dallin H. Oaks, a member of the Quorum of Twelve Apostles from the Church of Jesus Christ of Latter-Day Saints.

**PRAYER BY ELDER DALLIN H. OAKS**

Our Father in Heaven, we come to Thee in prayer and thanksgiving at the beginning of a new session of the legislature of the State of Utah, in this, the Senate of the State. We thank Thee, Heavenly Father, for the privilege of self-government. We thank Thee for the peace and prosperity of this land. We thank Thee for the foundations that have been laid, for the happiness of the people of this State. And now, as this body goes forward in the important business of this State in this new session, we pray that all of its members, those who attend them, and those who assist them in staff capacities may enjoy good health and Thy protecting care as they go about doing the business of the people.

We pray for Thy continued blessings upon this State, for peace and prosperity. We pray for each individual Senator and for their families, that they may be watched over. We ask Thee to bless the work of this session, that it may go forward with wisdom, with understanding, with firmness, with intelligence, and without rancor, and with that concern for fellow men which is commanded by Thee and appropriate for Thy servants to exercise in the fulfillment of the responsibilities undertaken by those who are elected to serve.

We pray for these blessings, and thank thee, and pray that Thou wilt bless this great body and all of its members in the work of this day and the days to come. In the name of Jesus Christ, Amen.

### **POSTING OF COLORS & PLEDGE OF ALLEGIANCE**

Utah National Guard

### **SPECIAL MUSICAL PRESENTATION**

Paul Cardall, Composer and Solo Pianist

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On motion of Senator Hillyard, the Senate thanked Elder Dallan Oaks for delivering the invocation and ordered it printed upon the pages of the Senate Journal.

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Annette B. Moore read the following Certification of Membership of the 1999 General Session of the Utah State Senate.

### **CERTIFICATE OF MEMBERSHIP OF THE 1999 GENERAL SESSION OF THE UTAH STATE SENATE 53ND LEGISLATURE**

I, OLENE S. WALKER, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 3, 1998, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 1999, to-wit:

FIRST DISTRICT: County of Salt Lake

**Paul F. Julander**

THIRD DISTRICT: County of Salt Lake

**Gene Davis**

FOURTH DISTRICT: Counties of Salt Lake, Utah

**Howard A. Stephenson**

SEVENTH DISTRICT: County of Salt Lake

**Karen Hale**

NINTH DISTRICT: County of Salt Lake

**L. Steven Poulton**

TENTH DISTRICT: County of Salt Lake

**L. Alma “Al” Mansell**

ELEVENTH DISTRICT: County of Salt Lake

**Eddie “Ed” P. Mayne**

TWELFTH DISTRICT: County of Salt Lake

**Millie M. Peterson**

THIRTEENTH DISTRICT: Counties of Salt Lake, Tooele

**Ron Allen**

FIFTEENTH DISTRICT: County of Utah

**Parley Hellewell**

EIGHTEENTH DISTRICT: Counties of Davis, Weber

**D. Edgar Allen**

TWENTY-FIRST DISTRICT: County of Davis

**David H. Steele**

TWENTY-SECOND DISTRICT: County of Davis

**Terry Spencer**

TWENTY-FOURTH DISTRICT: Counties of Box Elder, Cache

**Peter C. Knudson**

TWENTY-SIXTH DISTRICT: Counties of Carbon, Daggett

Duchesne, Summit, Uintah, Wasatch

**Beverly Evans**

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 5, 1996, the following named person was chosen by the electors as a member of the Legislature of the State of Utah, to serve in the Senate each for the term of four years, beginning January 1, 1997, to-wit:

SECOND DISTRICT: County of Salt Lake

**Pete Suazo**

FIFTH DISTRICT: County of Salt Lake

**R. Mont Evans**

SIXTH DISTRICT: County of Salt Lake

**Michael G. Waddoups**

EIGHTH DISTRICT: County of Salt Lake

**Scott N. Howell**

SIXTEENTH DISTRICT: County of Utah

**Howard C. Nielson**

SEVENTEENTH DISTRICT: County of Utah

**Robert M. Muhlestein**

NINETEENTH DISTRICT: Counties of Weber, Morgan

**Robert F. Montgomery**

TWENTIETH DISTRICT: County of Weber

**Joseph L. Hull**

TWENTY-THIRD DISTRICT: County of Davis

**R. Lane Beattie**

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich, Summit

**Lyle W. Hillyard**

TWENTY-SEVENTH DISTRICT: Counties of Carbon,

San Juan, Grand, Emery, Kane, Washington

**Mike Dmitrich**

TWENTY-EIGHTH DISTRICT: Counties of Juab, Sanpete, Sevier

Millard, Piute, Wayne, Beaver, Garfield

**Leonard M. Blackham**

TWENTY-NINTH DISTRICT: Counties of Iron, Washington

**Lorin V. Jones**

I FURTHER CERTIFY THAT John L. Valentine was appointed by the Governor on November 25th, 1998 to fill the vacancy in Senate District Fourteen, occasioned by the resignation of Craig A. Peterson.

IN WITNESS WHEREOF, I  
have hereunto set my hand and  
caused to be affixed the Great  
Seal of the State of Utah at Salt  
Lake City, this Eighteenth Day  
of January, 1999.

OLENE S. WALKER,  
Lieutenant Governor

Communication filed.

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The Honorable Chief Justice Richard C. Howe administered the Oath of Office to all newly elected and appointed members of the Senate for the Fifty-Third Legislature.

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**Roll Call** – All senators present, except Senator Muhlestein

On motion of Senator Hillyard, the Senate voted to proceed with its organization and elect its president.

On motion of Senator Hillyard, and seconded by Senator Howell, Senator R. Lane Beattie was nominated to serve as President of the Utah State Senate.

On motion of Senator Blackham, and seconded by Senator Julander, the nominations were closed and Senator R. Lane Beattie was elected President of the Senate by acclamation. Senators Mansell, Steele, and M. Peterson escorted Senator R. Lane Beattie to the podium.

The Honorable Chief Justice Howe administered the Oath of Office to the President of the Senate, R. Lane Beattie.

On motion of Senator Blackham, the Senate voted to have the remarks of President Beattie printed upon the pages of the Senate Journal.

### **REMARKS BY PRESIDENT R. LANE BEATTIE**

It is not always an easy task to go through the pomp and circumstances that at times represent the importance of what we're about as we represent the needs and the desires of the citizens of the state of Utah.

This morning I would first like to excuse Senator Robert Muhlestein who is not able to be with us this morning due to an illness. We certainly pledge our support and our prayers are with him. It is not something that is insurmountable -- he has a severe staff infection and after visiting with him, he and I concluded that if there was any risk at all, that we would ask him to please stay at home and recover fully until he can come and join with us.

My brief remarks at this time are simply to welcome all of you to the Utah State Senate. Here in the audience we have with us many friends, families, and supporters of the legislature and most importantly members of the Utah State Senate. You come with great deal of varied backgrounds and interests. What a wonderful opportunity it is to bring together different thoughts, different ideas, and different concepts. It is through our ability to be able to discuss differently the same topic that we hope wise decisions will be made. It is rare today that we have an opportunity to come together and be able to dialogue and discourse issues-- at times polarized and different from each other, and yet so much together.

I've often quoted a famous statement of Sir Winston Churchill about democracy and I would today like to re-echo that: "Democracy is absolutely the worst form of government ever created, except for all the rest." Those ten of you that come to this body for the first time, some of you from the House where you have experienced this before, but to many of you for the very first time, will have an opportunity to truly find out what frustration is all about. You will find what Churchill meant about democracy and about the difficulties that it creates.

How wonderful to live in a day and age when the checks and balances of government give to the citizens those powers and abilities to rule themselves. We

simply welcome all of you today to this historic time -- an historic occasion to be able to welcome in a new millennium. Those of you that sit in these seats today are truly about to embark a journey of historic importance.

We hope that those family members who you will be absent from, some from many miles, some for long periods of time, we apologize, but also thank you. To the families that are gathered with us here today, I don't believe that anyone takes this for granted. We realize the sacrifices that those of us who serve create for those of you who support us. We deeply appreciate your love, your prayers, and your sacrifices to make this possible.

I'm often times asked, "Don't you regret that the session is about to start?" I must confess I do not. I am so excited that the beginning of the session starts because by the Constitution of this great state that means it also ends forty five days from now! We look forward to that end as we looked forward to the beginning. We hope that between now and then that we and our friendship for each other will grow, but our respect and our honor will also be magnified.

I will conclude my remarks following other remarks of leadership later this morning. To Sen. Howell and Sen. Hillyard, I look forward to this year and the next two years. I look forward for a variety of reasons. But, I think we look forward together with optimism about what can be not so much where we have been, but where we are going.

When I was a ninth grader in junior high school, we had a brand new school: Centerville Junior High School. As I arrived at Centerville Junior High School my opportunities for success were, in my own mind, somewhat limited. And yet the excitement for what I was about to undertake was very, very high. As I came into that first year in the ninth grade, one of the great opportunities was that I had an opportunity to try out for the football team.

Now most boys back then played football in junior high school if they had a desire. I had a great desire. My desire was huge. Unfortunately my physical size was not. When I was a seventh grader at Kaysville Junior High School (while Centerville was being built), I had a wonderful distinction, I attended that junior high school as the smallest person in the school, except for one small boy, Danny, who had polio. He and I together would reminisce about what we wanted to have out of life. But now as a ninth grader the only thing that had changed was that I was no longer the smallest one in the school. Thank goodness for some just recently graduated sixth graders! But, it was also an opportunity that I'd looked forward to for a long time.

I can remember the first day of practice. They called everyone in and said now we'll get in line and we'll be issued uniforms. As I waited in the line with my friends to get to the door where they were handing out the uniforms, I had great

anticipation for that helmet, those shoulder pads that I'd never had on before, those knee pads they would have, and even those funny looking things they tied around their waist called hip pads. I was anxious. I was so anxious in fact that when I got to the door and put out my hands, I was shocked that there was no uniform there. The coach said to me, "Beattie we don't quite have that size yet, could you just wait at the back of the line?" And so somewhat disgruntled I went to the back of the line to wait my turn again for the right size of uniform.

When I arrived at the door again, I was received with the same welcome, "I'm sorry we don't have a uniform that size. Maybe we can find one somewhere else." And then he asked me, if I could, to come and visit with him the next day. My heart was broken that all of my friends went out to play and I could not -- the decision made by one person.

I can remember going home that evening, so embarrassed that I didn't even share that with my parents or my brothers and sisters. I remember the next day anxiously going to talk to the coach. It was there that the coach obviously noted my hurt and frustration. When he told me that maybe a better place for me was not on the team but maybe as support staff to the team, that's not what I wanted to do. And almost out of embarrassment and afraid that I was going to break into tears at the time, I excused myself saying that I wasn't interested. And I walked home. My home was about a mile away from the school and I was all by myself.

I can remember the feelings in my heart and lots of questions. Why was I born so little? But, that wasn't unusual! I'd spent a lifetime asking why on earth was I born with curly hair? So I had suffered a great deal already.

It was about two weeks later that one day over the announcement PA system of the school they announced that there would be one more tryout for the ninth grade football team and that all people who had not had an opportunity were welcome to come out. Well the only difference now is that everyone on the team already had their pads and their helmets and already started to practice for some two weeks. There must have been 50 or 75 young men who showed up on the field that day in their little gym shorts. Now I remind you what junior high school children look like in their little gym shorts. Back then they made the shorts with big legs, big whole legs for little tiny legs and mine were truly little tiny ones. But I don't think there was anyone that had more desire than I did that day. I, along with everyone else, worked very hard to accomplish something that we wanted to do. By the end of the week there was a final decision. I probably wouldn't be telling you this story if it wasn't somewhat positive. At the end of the week, after all of the boys had tried out, there were two names still on the roster -- just two. I want you

to know my helmet didn't fit, my shoulder pads were too big, those hip pads that I talked about touched each other to a point that I just couldn't wear them-- they had to go find a smaller size, but the knee pads and the pants worked just fine. I was so excited.

The first game came and guess where I was? I was on the bench, but I was proud to just be a member of the team. Each week I went out to practice. It was three games into the season and I had yet to have an opportunity to be on the field, but boy my heart sure felt it.

We played a team of South Davis Junior High School. They were huge in comparison to little Centerville Junior High School. They had boys that were over six feet tall. We didn't have any over six feet tall. We were very worried. They had an end run; they called it a sweep. It was devastating. They ran it five times and every time they made a touchdown. I don't know why they didn't run it more because by now they were five touchdowns ahead. Our little team continued to struggle.

The coach went up and down the bench trying to find a defensive end, someone that could do the job. After everyone else had had an opportunity to be embarrassed at defensive end, he finally looked up and down and there was only one person left--me. With his breath exasperated said, "Beattie come here." I jumped up; I was so excited. I ran to him and he said, "Go in and show me what you can do." He hit me on the back and almost knocked me over! I remember stumbling as I ran onto the field. I was so happy and so proud.

I ran out to the tight end. I had never played tight end before. I didn't even know where I was supposed to be. The other boys showed me on the line where I was supposed to stand and that my job was, simply, to tackle the runner. Well here I found out something unique. Size isn't everything, and in fact when you're so little you can almost not be seen. And thus it was as the first sweep came. And where was I? Everyone ran right past me, except for one person, the guy with the ball. And I made an historic tackle! The rest of the story is somewhat unique. I then had a new position-- the smallest player on the team--but I started every game.

Why is that significant to you today? It's because some of you had a desire to be here. We all have different sizes and shapes. Some of us worked very long, some of us worked many times, some of us went through heartache to even arrive at this place or this destination. But, today you're a starter. You're here for a very significant reason. You're here because this is the desire of your heart. But more importantly because you have a responsibility. Your responsibility, whether it be that of a tight end or receiver or half back or quarter back, is just as significant to this body as it was to any team. Your role of who you are and what you believe is



eternally important. It has great significance to you and I in this Senate body. It is important that you always feel free to express yourself.

It is always interesting to me how important it is to have freedom of the press; but how the freedom of the press means that they can continually abuse and insinuate that the only people who should not have the freedom to speak are those that serve the public. Isn't it ironic that when we have great debates about the freedom of speech, that the very people who defend it the most are those who represent their willingness to take ours away not only the way we do business, but with whom we do business. Woodrow Wilson once said, "The history of liberty is a history of the limitations of government power, not the increase of it."

Dwight Eisenhower said: "Every step we take toward making the state the caretaker of our lives, by that much we move toward making the state our master." We are not here to make the state our master or bureaucracy our leader. We are here to be different. We are here to remember the principles that the Constitution is built upon and we should never forget it.

Johann Wolfgang Von Goethe said, "What is the best government? That which teaches us to govern our selves." And yet today government, time and time again, talks about the freedoms we have while they seek to destroy it.

What an interesting statement we make about freedom. We are here to defend the land of the free, to provide to the citizens of this state freedom. That is simply the bottom line. Well what is freedom then? Do we have freedom as a legislator? Do we have freedom to do the things that we need done? Do we have freedom? Is education-- freedom? Is it freedom that every student, every person in the state of Utah, is required to have education? The debates of that are very important. But if we do have education, are we free-- to what education? And what freedom does that education provide? Do parents have the freedom to choose teachers? Do teachers have the freedom to teach? Do districts have the freedom to be different?

What freedoms do we take away? Do we have the freedom to choose who we want for medical care? Do we have the freedom to go where we want? Do citizens of this state have the freedom to be delivered from poverty, or do they have the bondage to continue to be raised in that bondage and poverty? Do we have the freedom to be able to stand up and worship our God? Do we constantly try to take away people's freedom from understanding the virtues and values that we have so abundantly around us?

Do we have the freedom to breathe fresh air? Do we have the freedom to build the home where we want? Do we have the freedom to sell our property to whom we want and under what circumstances? Do we have the freedom to even go so far as

to build the garage we want on our property? Do we have the freedom to vote for who we need? Do we have the freedom to vote when we cannot leave our home? Do we have the freedom to be able to exercise our rights as human beings? Do we have the freedom to live without taxation, burdens, taking away our home and our property? To many citizens in this state that is indeed a deep question.

Do we as a legislature continue to take away those freedoms and usurp the powers of government? Do we continue to build a bureaucracy for the betterment of mankind because of our wisdom and our power and our ability, while destroying the ability of freedom for others? Do we allow people the freedom to make mistakes and suffer the consequences?

What is government? Was it ever intended to be all? I don't believe it was. William Miller said, "Remember that any government which gets so big that it can give you everything you want, will also be so big that it can take everything you've got." Benjamin Franklin said, "He who shall introduce into public affairs the principles of a primitive Christianity, will change the face of the world." Need I remind any of you the principles upon which this great country were established a country and a nation as declared by our founding fathers: One nation, under God.

I am very much aware that the belief in God is a very personal thing. It is personal as to the God that we each worship. That is what this country is all about. What are we doing to keep those freedoms? And what are we doing to take it away?

Thomas Anderson said, "Freedom cannot live after the family, as we know it, is dead. Freedom cannot out-live morality."

James Madison, who many of us studied in school, who wrote so many wonderful things about democracy and about this country, said: "I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachment of those in power than by violent and sudden usurpations." I ask you: At the end of this session, shall we keep a report card? Shall we have a list of everyone here and the bills that they have? Have you created more government, or have you created less government? Have you created more freedom? Or have you taken away freedom? Have we given to the people that which they deserve? Ultimately I believe that is the question that we must ask each other every day.

We must be vigilant about the protections of the constitution of this country and this state. We must ??? articulately has been put in front of us by both the majority and minority leaders of this body defend even to our lives those things that uphold this nation and this state. We must do what is necessary. We cannot

fail. We cannot cease to remember who we are and what we represent. We can never turn our backs on the freedom that government so often destroys. May we always remember that liberty without freedom is nothing.

Thank you very much.

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On motion of Senator M. Peterson, the Senate voted to have the remarks of Senators Howell and Senator Hillyard printed upon the pages of the Senate Journal.

#### **REMARKS BY SENATOR SCOTT HOWELL**

It is an honor and a privilege to be able to stand before you today in this magnificent chamber; to be able to look out at 29 senators. Mr. President, thank you for allowing me to have the opportunity to share a message with you and our colleagues, our staff, families, and friends. But before I do so, please let me congratulate you on your re-election to a third term as Senate President. Under your guidance and leadership, this body has brought on many new reforms with the goal of making us a better Senate today. You have done an outstanding job in your leadership in lobbyist reform, in Senatorial reforms. Congratulations to you and I hope for continued success as we all move boldly into the next millennium. And just think, there are only 347 days left until the millennium hits again.

May I also offer congratulations to Senator Hillyard Majority Leader, Senator Blackham the Whip, and Senator Mansell Assistant Whip. We look forward to working together.

I would also like to acknowledge this great moment in history--a tremendous moment on this 53rd Session of the Legislature by noting that the first time in the history of the State of Utah, two women serve in leadership Senator Paula Julander as Whip and Senator Millie Peterson as Assistant Whip. Congratulations to you all. In addition to the leadership, I would like to congratulate every new senator and newly re-elected Senator. We look forward to working with you.

And Mr. President, as you mentioned, we also are a part of history on this day having four new women serve in the Senate Senator Beverly Evans, Senator Karen Hale, Senator Millie Peterson, and Senator Paula Julander. Senator Peterson, you will no longer have to caucus by yourself. Welcome to the Senate, ladies. Your wisdom, knowledge and experience will make us all better as a legislative body beginning this day. You've accomplished things that us men can only think about. Congratulations. This is a marvelous time in our state's history.

So, what does all this mean? What is the future and what will happen today? We have the ability to shape our future, right here, right now. We also have the responsibility to see how we will affect each and every life of the citizens here in the great state of Utah. Our children will inherit the decisions we make here today.

When we look back at the 1999 session, what will we say? We hope we will be able to say that we have worked together as a legislative body that laid the groundwork. We created solutions in helping citizens of the state of Utah to be a little bit better in their lives.

Will we, in 1999, be remembered as the group fostering education? Our children are the future. The opportunity to influence and rebuild education is at hand; the need for education reform has never been greater, and the public is ready for it. We can take this opportunity to build and shape our future today -- each one of us in our own way, in our own strengths, working together.

When people look back and say, "What will 1999 Legislative Session" and more specifically, "What did the Senate tackle and do?" I hope that we'll be able to talk about ending the insidious cancer of crime that continues to happen in our state.

I recently was given a report called "Far Too Many Crime Victims" -- the results of four years of unprecedented crime rate increases in the State of Utah. It's a sad fact that crime has continued to rise in the great state of Utah. And it's a reality that crime doesn't recognize Democrats, Republicans, or Independents. What it does recognize are victims, innocent victims, who are sacrificed at the insidious happenings of criminals. Wouldn't it be great to read the newspaper and see that the 1999 Legislature committed to preventing crime, and reducing recidivism?

In 1992, New York City was losing its battle with crime. Under the guidance of Mayor Rudolph Giuliani, government worked together to pursue a goal of crime reduction. Today, crime has been cut in all categories by approximately 50% in New York. Linda and I visited there for Christmas. We had never felt safer. Imagine, if we could, in Utah crime cut by 50% -- the numbers of murder, rape, robbery, property crimes, and assault victims. Now, for a moment, dream a little bit about what this could mean. A 50% reduction in crime that you and I can have effect upon today.

In Utah, that would mean 32 fewer annual homicides, 488 fewer annual rape victims (women and men violated in the most despicable way), 704 fewer annual victims of robbery, 2,221 fewer annual aggravated assault victims, almost 10,000 fewer homes and businesses burglarized, 44,545 fewer annual larceny-theft victims.

This goal is truly worthy of pursuit. Let's turn this dream into reality. We can build upon our successes in crime prevention, put our foot down, and send a message to every criminal that Utah is not the place to do business. We will not tolerate crime because it affects us in ways that no one knows except those who have been perpetrated against.

We are on the verge of the 21st century. What will Utah look like in the next millennium? I pledge today, to you, that we face the challenges of today, by forging partnerships, setting positive, progressive goals, and helping the citizens of Utah.

Mary Pickford said it best, "The past cannot be changed. The future is yet in your power." The power for each one of us to change what is going to happen today and tomorrow.

Mr. President, in closing, may I offer six tips to our great, new, august body. First of all, as newly elected Senators, never ever forget – families first. Look up in the gallery, look behind you. Families first, take time during this 45 days to make sure your family is first.

Second tip, pace yourself. It becomes hectic and stressful during the session, take the time to sit back and take a moment for yourself. It is very important for your mental and physical health. Third tip, don't be too quick to judge. Just because one person sits on this side of the aisle or that side of the aisle, doesn't necessarily mean that they are that way. Often times, what we see is not reality in what we learn. Take time to get to know those around you. You might be surprised at how many common values we all have. Take the time to listen, learn and understand. We are working together. Never in the history of the state of Utah have we had the opportunity to shape the future in a bipartisan way. Today we should start by going forward and go down in the history books as the 53rd legislative session, the Senate that made the biggest difference as we prepared for the Millennium.

Number four, when you are defeated, take heart, and don't be disheartened. Defeat will come to each and everyone of us in this body in some manner, way or form. The advice of Lowell Bennion is appropo: "Don't let bitterness ruin you twice, once by the actual act and the second time by remembering it time and time again."

Number five, your new title as Senator. Use that power to bless the lives of others. If you don't pass one piece of legislation during this legislative session, please know that you have a very powerful title. You can use that title of Senator to change the lives of those very people who gather with us here today. You have the

ability of helping to improve others. You will be successful, not by what the Tribune or the Deseret News prints as the number of bills you passed, but how you helped others improve their lives. There are 29 Senators in this state out of a population of 1.7 million. This is a very elect body. Don't ever forget you represent, 29 in this exclusive club, 1.7 million people. It is a weighty thought. You will also be responsible for a 6.5 billion dollar budget. Sometimes my wife and I use our Visa card like it is 6.5 billion, but in reality these are sacred dollars that must be accounted for. You will be successful if you can say "I changed the way appropriations happened."

And last, we have been blessed with great staff. I'd like to point out to you some of our excellent staff. Take advantage of Richard Strong and the bright attorneys we have up there. John Massey is one of the best when it comes to fiscal appropriations. Take advantage of his staff. Don't be afraid to come to Annette Moore who leads the Senate and her colleagues and Debbie Hedman and Leslie McLean to take advantage of the wisdom they have. They often see things that we only think about. Take full advantage of our security staff that we have up here. They will protect you, they will help you, they will give you guidance and wisdom. They are some of the best in the country.

And last, but not least, don't hesitate to call upon some of our senior members. Yesterday in the paper it was interesting to learn that Sen. Dmitrich has 30 years of wisdom in legislating, Sen. Hillyard, 18 years. There are others who I would highly recommend that you take time to get to know. During my first legislative year, I was so grateful for Sen. Chuck Peterson, Sen. Haven Barlow, and Sen. Dixie Leavitt, who sat next to me and gave me wise counsel. Did you notice they were all three Republicans who did the most to help me through the very challenging first day of the legislature?

Mr. President, it is an honor to serve with you. Thank you very much. To the friends in the gallery and to the families, don't ever forget that families are first. Take care of your families, listen to them, help them, and to the spouses here, God bless you as we all go forward on this journey for the next 44 days. May we change the history books to say that for the first time in the history of the state of Utah, the Senate set the agenda, we curbed crime and we fixed education. God bless us all, thank you very much, Mr. President.

#### **REMARKS BY SENATOR LYLE HILLYARD**

Several weeks ago as I wrote on my check "1999", the reality of this session hit me very forcibly. I often asked myself, as a young man growing up: "Where will I be in the year 2000?" I think all of us know, here in this body with this past

election, all of us will be here shortly after the turn of the century, as we serve the second year of our elected two-year terms. I think of the impact, historically, it will have on all of us as the people of this state look at this Senate.

I am reminded of a time when I was talking to a very learned neighbor of mine who assured me that actually 2000 years occurred in 1996 if you look at the calendar. For those people who talk about the year 2000 being some day of doom (other than the Y2K which I have turned over to Sen. Steele to handle for me), it will be a very significant year for us. I think of all people, Pres. Gordon B. Hinckley has taught us the significance of history.

I think the second point I would like to make to you is that we do have ten new Senators. I don't ever remember a time when we have had that many new Senators here, and, although we have five who have previously served in the House, I had the opportunity of serving in the House for four years before I came here, and it's different – there is a different process, a different feeling – and so I think it is important for all of us to be concerned about learning what we need to do. There are a couple of words of advice I want to give to everyone, especially the ten new Senators. Don't take things personally. You'll enter a debate, you'll have an issue, and you may feel badly because you may have lost the point – but don't take it personally.

Number two, remember that whatever you say in the body of this Senate is recorded. You may come in to the Senate some morning and hear yourself quoted on the radio and you will wonder how in the world they did that. You may read your name sometime in a Supreme Court decision where they quote you, so what you say on the floor is quoted and is recorded. People come back and read the journal for legislative intent of bills. I have seen that sometimes Senators may lose their cool on the floor and may sometimes forget that this is a live microphone. They may be standing visiting with someone right next to the microphone and not really understand that what they say is being recorded.

I want you to remember that none of you are as good as the lobbyists are going to tell you you are, and none of you are as bad as the media says you are. So somewhere in between that, you'll come to find out that every Senator here carries a very significant intellect and commitment to service.

One other thing I would mention, because some of us, including myself, are still nervous about my computer. Those of you who are experts and can handle computers, you will feel very comfortable. We have asked staff to put in the back of these rooms on the filing cabinets, all of these bills in hard copy, so as you are

getting involved and your computer won't work or you don't know if you can find it exactly or you don't want to have a computer, you'll be able to go into that back room and take the bills off the board and look up a House bill or a Senate bill in the books.

Finally, I make this comment, don't be afraid to ask a question. You may be afraid here on the floor, but I know I have committed myself this legislative session to be of service. I don't care which side of the aisle you are on, if you have a question about procedure, ask it! I have a little rule I call the 500 Dumb Questions a Day, and you are allowed to ask anything. Only Sen. Suazo has come close to that and I had to warn him of that. But quite frankly, don't be afraid to ask anyone here a question about what is going on so that you are not left behind. Sometimes it is a problem if we speak too much, but I think the greater problem is that we don't speak enough. We feel a little bit of concern and afraid about that.

The final point I'd like to make in the short time given to me is: I thought this morning as I got in the car and drove the 82 miles from my home to the State Capitol, how many times I have driven that route. This is my 19th year in the Senate, and I had a great opportunity 15 years ago when I moved from the House to the Senate. I have a great reverence for this body. I have been on this floor and heard the debates of Haven Barlow, Rex Black, Homer Bunnell, Warren Pugh, and I remember the integrity of those men, all willing to fight for partisan or geographical areas, when the time came, they stood up for the state of Utah.

If I could give you any charge, it would be to take some time during the session to walk in this Chamber when it is not crowded and not busy and think about the great men and women who have served this state and given so much. Think of people who have sat at your desk and the service they have given the state of Utah. I hope that when you finish your term of service, when you leave, people will say yes, you did make Utah a better state. I can't control how everyone else votes, I can control how I vote. I can control the issues that are important to me and I know who to rely on in this Senate as the session develops. I would hope that we quickly develop every Senator, including the ten freshmen, so that very Senator will feel a part of this body and assume leadership and assume responsibility because as Sen. Howell said, you represent about 70,000 people. You are their only voice in this legislature. You carry the responsibility. When 15 votes are cast and a majority is in place, we live with the result.

I am very optimistic about how this legislature is going to go. I am anxious to serve in this position. I am anxious to help each one of you to make this session one that you will remember and that you will feel good about when the motion sine die is made and we walk out of this session. I hope you will look back and say, I am glad I was here, I made a difference. Thank you, Mr. President.



\* \* \*

On motion of Senator Hillyard, President Beattie directed that the following be recorded in the Senate Journal as leaders for the 53rd Legislature 1999 General Session.

President – R. Lane Beattie  
Majority Leader – Lyle W. Hillyard  
Majority Whip – Leonard M. Blackham  
Assistant Majority Whip – L. Alma “Al” Mansell  
Minority Leader – Scott N. Howell  
Minority Whip – Paula F. Julander  
Assistant Minority Whip – Millie M. Peterson

On motion of Senator Poulton, the Senate voted to approve the Senate leadership.

On motion of Senator Hillyard, the Senate expressed appreciation to the Honorable Chief Justice Richard C. Howe for taking time from his busy schedule to participate in the opening of the Utah State Senate.

\* \* \*

President Beattie appointed a Senate Rules Committee comprised of Senator L. Steve Poulton, Chairman, and Senators Leonard Blackham, Michael Waddoups, Terry Spencer, Ed Mayne and Joseph Hull to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

President Beattie appointed Senators Knudson, Spencer, and Davis as a committee to read and revise the Daily Senate Journal.

President Beattie appointed Senator Montgomery as a committee to serve Patronage and Employees.

On motion of Senator Poulton, the Senate Rules and Joint Rules of the 1998 General Session of the Fifty-Second Legislature were adopted with the understanding that changes to these rules for the Fifty-Third Legislature will be considered and adopted as soon as possible.

President Beattie appointed Senators Valentine, Jones, and Hale as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

Representatives Tyler, Zolman, Cox, and Bourdeaux formally notified the Senate that the House is organized and ready to do business.

President Beattie appointed a committee comprised of Senators B. Evans, Stephenson, and E. Allen to notify Governor Leavitt that the 1999 General Session of the Fifty-Third Legislature is organized and ready to do business, and to ascertain the time the Governor will deliver his message.

Senator Valentine, Chair of the Committee to Notify the House, reported that the House had been notified that the Senate is organized and ready to do business.

Senator B. Evans, Chair of the Committee to Notify the Governor, reported that His Excellency Governor Michael O. Leavitt had been notified and that he will be ready to deliver his message at a Joint Convention in the Chamber of the House of Representatives at 6:30 p.m. this evening.

### **READING OF TITLES OF BILLS AND RESOLUTIONS**

On motion of Senator Poulton, and as provided by the Utah State Constitution, the Senate voted to suspend the reading of the full titles of all bills and resolutions on the Senate Calendar as they are read the first time and introduced, and as all bills and resolutions are considered on Second Reading, Third Reading, Consent, and Concurrence Calendar. The motion is to apply to all bills and resolutions introduced during this legislative session, except as an individual senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

The motion to suspend the reading of the titles of all bills and resolutions passed by the required constitutional two-thirds majority.

\* \* \*

At the direction of President Beattie, the following information is to be recorded in the Senate Journal.

### **STANDING COMMITTEES**

#### **Business, Labor, and Economic Development**

Parley G. Hellewell, *Chair*

Peter C. Knudson

L. Alma "Al" Mansell

L. Steven Poulton

Gene Davis

Eddie "Ed" P. Mayne

**Education**

Lorin V. Jones, *Chair*  
Beverly Ann Evans  
Howard C. Nielson  
David H. Steele  
Howard A. Stephenson  
Ron Allen  
Pete Suazo

**Energy, Natural Resources, and Agriculture**

Beverly Ann Evans, *Chair*  
Leonard M. Blackham  
Lorin V. Jones  
Joseph L. Hull  
Millie M. Peterson

**Health and Environment**

Robert F. Montgomery, *Chair*  
Leonard M. Blackham  
Robert M. Muhlestein  
D. Edgar Allen  
Paula F. Julander

**Human Services**

Robert M. Muhlestein, *Chair*  
Lyle W. Hillyard  
L. Steven Poulton  
D. Edgar Allen  
Gene Davis

**Judiciary**

Terry Spencer, *Chair*  
Parley G. Hellewell  
Lyle W. Hillyard  
John L. Valentine  
Mike Dmitrich  
Pete Suazo

**Revenue and Taxation**

John L. Valentine, *Chair*  
Robert F. Montgomery  
Howard A. Stephenson  
Michael G. Waddoups  
Ron Allen  
Mike Dmitrich  
Joseph L. Hull

**State and Local Affairs**

R. Mont Evans, *Chair*  
L. Alma “Al” Mansell  
Howard C. Nielson  
Terry Spencer  
Scott N. Howell  
Millie M. Peterson

**Transportation and Public Safety**

Michael G. Waddoups, *Chair*  
Lane Beattie  
R. Mont Evans  
Peter C. Knudson  
David H. Steele  
Karen Hale  
Paula F. Julander  
Eddie “Ed” P. Mayne

**Rules**

L. Steven Poulton, *Chair*  
Leonard M. Blackham  
Terry Spencer  
Michael G. Waddoups  
Joseph L. Hull  
Eddie “Ed” P. Mayne

**EXECUTIVE APPROPRIATIONS AND  
JOINT APPROPRIATIONS SUBCOMMITTEES**

**Executive Appropriations Committee**

Sen. David H. Steele, *Chair*  
Sen. John L. Valentine, *Vice Chair*  
Sen. Lane Beattie  
Sen. Leonard M. Blackham  
Sen. Mike Dmitrich  
Sen. Lyle W. Hillyard  
Sen. L. Alma "Al" Mansell  
Sen. Gene Davis  
Sen. Scott N. Howell  
Sen. Paula F. Julander

**Commerce and Revenue**

Sen. Lorin V. Jones, *Chair*  
Sen. Leonard M. Blackham  
Sen. Gene Davis

**Economic Development and Human Resources**

Sen. Howard C. Nielson, *Chair*  
Sen. David H. Steele  
Sen. Joseph L. Hull

**Executive Office, Criminal Justice,  
and Legislature**

Sen. Michael G. Waddoups, *Chair*  
Sen. Parley G. Hellewell  
Sen. Pete Suazo

**Capital Facilities and Administrative Services**

Sen. Beverly Ann Evans, *Chair*  
Sen. Lane Beattie  
Sen. Mike Dmitrich

**Higher Education**

Sen. Robert F. Montgomery, *Chair*  
Sen. Leonard M. Blackham  
Sen. Terry Spencer  
Sen. Paula F. Julander  
Sen. Millie M. Peterson

**Health and Human Services**

Sen. Robert M. Muhlestein, *Chair*

Sen. L. Steven Poulton

Sen. D. Edgar Allen

**Natural Resources**

Sen. Howard C. Nielson, *Chair*

Sen. David H. Steele

Sen. Joseph L. Hull

**Public Education**

Sen. Howard A. Stephenson, *Chair*

Sen. Lyle W. Hillyard

Sen. John L. Valentine

Sen. Ron Allen

Sen. Karen Hale

**Transportation and Environmental Quality**

Sen. Peter C. Knudson, *Chair*

Sen. Lane Beattie

Sen. R. Mont Evans

Sen. Scott N. Howell

**EMPLOYEE COMMITTEE REPORT**

On motion of Senator Montgomery, the Senate voted to adopt the following committee report and employ the persons recommended by Senator Montgomery as Senate staff for the 1997 General Session of the Fifty-Second Legislature.

Senator Montgomery introduced the Senate Staff.

Mr. President and members of the Senate:

As Chair of the Committee on Patronage and Employees, I recommended that these individuals be employed as Senate Staff for the 1999 General Session of the Fifty-Third Legislature.

Annette B. Moore

Sandy D. Tenney

Leslie O. McLean

Debbie Headman

Lynette Erickson

Secretary of the Senate

Manager of Senate Services

Leadership Secretary & Third House

Secretary

Minority Party Secretary

Docket Clerk & Voting Machine

Operator

Greg Johnson	System Analyst and Computer Specialist
Sarah J. Streator	Journal Clerk
Eileen Miller	Bill Status Clerk
Rolayne Day	Secretarial Supervisor & Committee Secretary
Linda G. Hansen	Rules Secretary
Susy Carter	Committee Secretary
Jeannie Wride	Committee Secretary
Bonnie Brinton	Committee Secretary
Nadine Woodhead	Committee Secretary
Karen Allred	Committee Secretary
Shirley Smith	Committee Secretary
Chrissy Dymock	Committee Secretary
Alfred Rex Hill	Sergeant At Arms
Robert L. Gardner	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Virgil Blair	Security
Wayne Carmichael	Security
Glenn Hildebrand	Security
Wendell Coombs	Security
Thad S. Jensen	Security
Neil Black	Security
Leo T. Parry	Security
Jason Hildebrand	Custodian
Gayle C. Petersen	Page Supervisor
Sue S. Hyer	Asst. Page Supervisor
Linda Cornaby	Page
Diane Jensen	Page
Nedra Thomas	Page
Shirley C. Taylor	Page
Judy Paulson	Page
Mary L. Russell	Page
Eleanor O. Whisenant	Page
Georgianna Knudson	Page and Docket Clerk Aide
Maxine Baur	Recorder
Paula Tew	Legislative & Third House Aide
Evoline Gardner	Hostess & Third House Aide

Regina Samuelson	Legislative Aide to Secretary of the Senate
Charlene T. Reed	Public Information Officer
Deon C. Saunders	Public Information Officer
Darlene D. Nilson	Public Information Officer
Pamela H. Benson	Legislative Tour Guide

Robert F. Montgomery, Chair  
Senate Employee Committee

The employees were administered the oath of office by President Beattie.

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Senator Blackham introduced the Legislative Interns.

\* \* \*

On motion of Senator Hillyard the Senate resolved itself into a Committee of the Whole. President Beattie recognized the Martin Luther King, Jr./Human Rights Commission and they were introduced. Sandra Adams, Commission Director; David Winder; Executive Director, Department of Community and Economic Development; Joan Smith, Director, the National Conference for Community and Justice; Senator Pete Suazo. Deborah Bonner sang the National Anthem.

On motion of Senator Hillyard, the Senate voted to have the remarks of the Commission and Senator Suazo printed upon the pages of the Senate Journal.

### **DAVID WINDER**

Today we remember all those who have been instrumental in spreading human rights to all mankind, particularly Martin Luther King who showed America the non-violent way. Dr. King said, when accepting the Nobel Peace Prize, "We must evolve, for all human conflict, a method which rejects revenge, aggression, and retaliation. The foundation of such a method is love."

When giving credit to his exemplars, Dr. King said "Christ gave me my mission – Ghandi gave me my method." The mission Christ gave Dr. King, of course, was to love – the great commandment to love others as oneself. In fact, treating others as oneself is an important part of all of the world's significant religions. The method Mahatma Gandhi gave Dr. King was resisting violence – seeking to defeat injustice, not seeking to defeat people.



Gandhi is best known for leading hundreds of millions of his countrymen in India to independence from the largest empire in history, the British Empire, without the use of violence. Gandhi gave us something else, too. It was the teaching that our society should stress a commitment to personal responsibility even more than insistence upon rights.

This has become a problem for us today in our society. We live in a society that emphasizes rights – majority rights, minority rights – employers, employees, victims, criminals all remind us of their rights. Indeed, central to the social, political and legal fabric of the United States is the Bill of Rights. Putting fundamental human rights into law is an essential safeguard against the corrupting influences of power and human weakness as manifested in bigotry and prejudice. However, focusing on rights as the basis of conduct and policy is to create a society that is driven by advocacy and confrontation, leading to a loss of community and reducing the motivation to work for the common good.

Focusing on our responsibilities, on the other hand, creates a society that promotes service, tolerance, compromise, and progress, and it removes the mindset of taking something without making a contribution in return. Gandhi insisted that those being denied their rights also had to meet their responsibilities. Looking at the world through the lens of personal responsibility creates a landscape of hard work, high standards, commitment to service, and compassion – it is important that we teach this to our children.

H.G. Wells once asked for Gandhi's views on a document Wells had authored entitled "Rights of Man." Gandhi did not agree with the document's emphasis on rights. His response said: "I suggest that a better way is to begin with a charter of duties of man and I promise the rights will follow as surely as winter is followed by spring.

Gandhi asked us to remember that our rights are inalienable, our responsibility is indisputable. It is given to us by every religion and culture – to treat others as ourselves. Gandhi's opponents and Dr. King's opponents were always treated as they would like to be treated, with courtesy and respect. If we keep a focus on our responsibilities as our ideal and try to move towards it, we reduce the emphasis on rights and bring personal responsibility to a higher level in guiding our thoughts and actions.

Perhaps all of us in public service should adopt this as one of our mottos – that if our rights are inalienable, our responsibility to treat others as we would have them treat us is indisputable. Let us remember this as we debate legislation and as we serve our citizens in the days ahead, and let us all do those things and pass those

laws that, over the long term, will foster love and good relations between all our peoples, and will encourage them to take responsibility as well as insisting upon their rights.

### **JOAN SMITH**

This is a day of remembering, remembering a man who led us in a movement for civil rights. What does Dr. Martin Luther King, Jr. mean to me, a white woman? To me this day reminds me of Hope. HOPE that we can embrace each other with respect, regardless of our differences. Hope that we do not repeat the ideas or actions of: "you may not drink at this fountain, you may not use this restroom, you may not stay at this hotel, you may not use this entrance, you may not eat at this counter." Sometimes we forget those actions of exclusion and discrimination and we say only – English only.

Dr. King gave me hope that we can live up the reputation of America being the country founded on the principles of open doors and ample opportunities – equal opportunities. That we are populated by people who have the courage to pull themselves up from economic hardship to create a better life for themselves and their families. With the exception of Native or First Americans, almost everyone of us can trace our roots to a time when those who carried our blood walked on different soil. We are all immigrants.

Dr. King gave me hope that someday we will judge people not by the color of their skin or the language they speak, but by the content of their character. Dr. King gave me hope and the knowledge that if I want to protect my rights, I must work hard to protect the rights of others. It is too bad that we cannot legislate respect and understanding. Looking at this body of leadership it is my hope that someday we will embrace leaders who reflect the changing face of our community. Dr. King gave me hope that if we are persistent enough, patient enough, and respectful enough we will solve our problems and our differences in a non-violent manner.

These are not shallow or sentimental words, but a dream and a vision; a vision that we need to continually put before the American people that the country's best leadership is on the side of respect, understanding and good will between people of divergent kinds and creeds. We in Utah choose to call this Human Rights Day. We need to ask ourselves if we can and do accept other human beings as they are. Does the color of their skin, whether black, yellow, red, brown or white in any way effect us by accepting, hesitating or rejection? Are we apt to accept and feel more comfortable with someone of our own faith even though we may not know that person? I am inclined to believe that most of us are apt to make these unconscious judgements without thinking or analyzing what we are doing. Are we looking at labels such as Jew or gentile, Republican or Democrat, straight, gay or lesbian? Do

we look first at their labels or do we seek to know what is in their hearts and minds. I believe we need to ask ourselves these questions everyday if we are to live beside our fellow human being in peace and justice.

Today, I thank Dr. King for giving this white woman hope. Hope that my children and grandchildren can be bi-lingual or even perhaps tri-lingual; and that when they have differences of the mind or heart that they will agree to disagree agreeably; That they will only judge their fellow humans by the content of the character; and that they will remember that the ONE thing we all have in common is our humanity and on that alone we need to give respect to and understanding of one another.

### **SENATOR PETE SUAZO**

Thank you, Mr. President and members of the Commission. I am honored at this time that the Martin Luther King, Jr. Commission comes before this esteemed body. I am honored because it provides us the opportunity to join the state, to join the nation, and the world, and to remember and to recommit ourselves to the unfinished work of Dr. King.

Let us as a Senate body demonstrate through our actions and commitment to ending the evils of poverty, racism, violence and war. As a nation and as a state, I believe that we should take pride in the progress that we have achieved in the areas of civil and human rights. But let us as individuals, as families, as a community, as a legislature and as a government pursue justice, peace, and freedom with a renewed vigor.

Earlier this morning, President Beattie spoke of the freedoms we enjoy -- the freedom to vote, the freedom to enjoy personal property rights, the freedom to curtail the bureaucracy, as he stated, the freedom to enjoy our families without infringement. Therefore, we must take up the call of President Beattie and take up the call of the commission. It is our duty to preserve freedom, therefore we must be vigilant. As the President said, we cannot fail. We must act together to live the dream of Dr. King by serving with honor those causes of equality, of justice, of freedom, and of peace.

Let us remember that the foundation of these values is love. Love in this connection means understanding and good will. Although Dr. King manifested six principles of non-violence, the principal that always rang clearest to me was that non-violence is a way of life for courageous people. Let us, as senators, show by example, that we are courageous people. Thank you, Mr. President.

**INTRODUCTION OF BILLS****MARRIAGE – MINIMUM AGE****S.B. 5***Scott N. Howell*

AN ACT RELATING TO HUSBAND AND WIFE; INCREASING THE MINIMUM AGE FOR MARRIAGE TO 16; REMOVING THE REQUIREMENT FOR JUDICIAL CONSENT FOR MINORS UNDER AGE 16 TO MARRY; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred by the President of the Senate to the Rules Committee.

**SEAT BELT LAW AMENDMENTS****S.B. 6***Robert F. Montgomery*

AN ACT RELATING TO MOTOR VEHICLES; REQUIRING SEAT BELTS OR CHILD RESTRAINT DEVICES FOR DRIVERS AND ALL PASSENGERS OF MOTOR VEHICLES; PROVIDING PENALTIES; AND REPEALING ENFORCEMENT AS A SECONDARY ACTION, was read for the first time and referred by the President of the Senate to the Rules Committee.

**YOUTH PAROLE AUTHORITY AMENDMENTS****S.B. 7***Joseph L. Hull*

AN ACT RELATING TO HUMAN SERVICES; EXPANDING THE MEMBERSHIP OF THE YOUTH PAROLE AUTHORITY TO INCLUDE TEMPORARY MEMBERS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred by the President of the Senate to the Rules Committee.

**RESEARCH TAX CREDITS MODIFICATIONS****S.B. 8***Howard C. Nielson*

AN ACT RELATING TO REVENUE AND TAXATION; MODIFYING THE INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX CREDITS FOR RESEARCH ACTIVITIES CONDUCTED IN THE STATE TO ALLOW CERTAIN TAXPAYERS AN IRREVOCABLE ELECTION TO BE TREATED AS A START-UP COMPANY FOR PURPOSES OF CALCULATING THE BASE AMOUNT; PROVIDING THAT A TAXPAYER QUALIFYING FOR A CREDIT FOR A PURCHASE OF MACHINERY, EQUIPMENT, OR BOTH MAY NOT CLAIM THE CREDIT OR

CARRY THE CREDIT FORWARD IF THE MACHINERY, EQUIPMENT, OR BOTH IS PRIMARILY USED TO CONDUCT QUALIFIED RESEARCH IN THE STATE FOR A TIME PERIOD THAT IS LESS THAN 12 CONSECUTIVE MONTHS; CLARIFYING THE REQUIREMENTS FOR ELIGIBILITY FOR THE INDIVIDUAL INCOME TAX AND CORPORATE FRANCHISE AND INCOME TAX CREDITS FOR MACHINERY, EQUIPMENT, OR BOTH, USED FOR QUALIFIED RESEARCH OR BASIC RESEARCH; MAKING TECHNICAL CHANGES; AND PROVIDING FOR RETROSPECTIVE OPERATION, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **LONG TERM CARE AMENDMENTS**

##### **S.B. 9**

*Howard C. Nielson*

AN ACT RELATING TO REVENUE AND TAXATION AND INSURANCE; CREATING AN INCOME TAX DEDUCTION FOR LONG TERM CARE INSURANCE PREMIUMS; ALLOWING THE USE OF MEDICAL SAVINGS ACCOUNTS FOR LONG TERM CARE INSURANCE; AND MAKING TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **PUBLIC ASSISTANCE ELIGIBILITY**

##### **S.B. 10**

*Millie M. Peterson*

AN ACT RELATING TO WORKFORCE SERVICES; REQUIRING THAT ONE PASSENGER VEHICLE AND INCOME-PRODUCING ASSETS BE EXCLUDED FROM ELIGIBILITY DETERMINATIONS FOR PUBLIC ASSISTANCE; AND MAKING TECHNICAL AND CONFORMING AMENDMENTS, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **DRIVER LICENSING AMENDMENTS**

##### **S.B. 11**

*Millie M. Peterson*

AN ACT RELATING TO PUBLIC SAFETY; ELIMINATING DRIVER LICENSE EXTENSIONS FOR CERTAIN DRIVERS; AND PROVIDING ANONYMITY FOR REPORTS OF IMPAIRED DRIVER LICENSE APPLICANTS OR LICENSEES, was read for the first time and referred by the President of the Senate to the Rules Committee.

**GRADUATED DRIVER LICENSING****S.B. 12***Scott N. Howell*

AN ACT RELATING TO PUBLIC SAFETY; INCREASING THE AGE REQUIREMENT FOR OBTAINING A PROVISIONAL DRIVER LICENSE; EXTENDING THE PERIOD FOR PRACTICE PERMITS; PROVIDING RESTRICTIONS FOR CERTAIN YOUNG DRIVERS AND THEIR PASSENGERS; REQUIRING CERTAIN DRIVING EXPERIENCE IN ORDER TO OBTAIN A DRIVER LICENSE; PROVIDING PENALTIES; PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

**BOARD OF REGENTS OVERSIGHT OF STUDENT INSTRUCTION****S.B. 13***Millie M. Peterson*

AN ACT RELATING TO HIGHER EDUCATION; PROVIDING THAT THE BOARD OF REGENTS ESTABLISH A POLICY LIMITING THE PERCENTAGE OF ALL STUDENT INSTRUCTIONAL HOURS TAUGHT BY ADJUNCT FACULTY AT THE STATE'S COMMUNITY COLLEGES; AND ESTABLISHING A MINIMUM LEVEL OF STUDENT INSTRUCTIONAL HOURS TO BE TAUGHT BY FULL-TIME FACULTY, was read for the first time and referred by the President of the Senate to the Rules Committee.

**SNOWMOBILE USER FEE****S.B. 14***Lorin V. Jones*

AN ACT RELATING TO OFF-HIGHWAY VEHICLES; REQUIRING NONRESIDENT OWNERS OF SNOWMOBILES TO PAY A SNOWMOBILE USER FEE AND TERMINATING THE REGISTRATION REQUIREMENT FOR SNOWMOBILES OWNED BY NONRESIDENTS; PROVIDING FOR THE COLLECTION OF FEES AND ISSUANCE OF DECALS BY AGENTS OF THE DIVISION OF PARKS AND RECREATION; PROVIDING A CRIMINAL PENALTY; PROVIDING FOR THE DEPOSIT AND USE OF FEE REVENUE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

**ELECTRIC RESTRUCTURING STUDY****S.B. 15***Lorin V. Jones*

AN ACT RELATING TO PUBLIC UTILITIES; REPEALING OBSOLETE DUTIES OF ELECTRICAL DEREGULATION AND CUSTOMER CHOICE

TASK FORCE; EXTENDING THE REPEAL DATE OF THE TASK FORCE; AND REPEALING RATE FREEZE ON INVESTOR-OWNED ELECTRICAL CORPORATIONS AND RELATED PROVISIONS, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **GANG ENHANCEMENT AMENDMENTS**

##### **S.B. 16**

*Joseph L. Hull*

AN ACT RELATING TO THE CRIMINAL CODE; AMENDING PROVISIONS REGARDING THE GANG ENHANCEMENT PENALTIES, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **TAXES ON FOOD AMENDMENTS**

##### **S.B. 17**

*Scott N. Howell*

AN ACT RELATING TO REVENUE AND TAXATION; PROVIDING FOR A TWO-YEAR PERIOD AN INDIVIDUAL INCOME TAX CREDIT TO ASSIST TAXPAYERS IN MEETING THE BURDEN OF PAYING SALES AND USE TAXES LEVIED ON FOOD; REQUIRING THE LEGISLATURE TO MAKE APPROPRIATIONS FROM THE GENERAL FUND TO REPLACE UNIFORM SCHOOL FUND REVENUES EXPENDED IN PROVIDING FOR THE CREDIT; REPEALING STATE AND LOCAL SALES AND USE TAXES LEVIED ON FOOD BEGINNING ON JANUARY 1, 2002; PROVIDING DEFINITIONS; AND MAKING TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **RADIATION CONTROL ACT - CIVIL PENALTIES**

##### **S.B. 18**

*Howard C. Nielson*

AN ACT RELATING TO ENVIRONMENTAL LAW; CLARIFYING CERTAIN PENALTIES FOR VIOLATIONS OF RADIATION CONTROL ACT, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **SALES AND USE TAX EXEMPTION FOR HEARING AIDS AND HEARING AID ACCESSORIES**

##### **S.B. 19**

*Robert F. Montgomery*

AN ACT RELATING TO THE SALES AND USE TAX ACT; PROVIDING DEFINITIONS; EXEMPTING FROM STATE AND LOCAL SALES AND USE

TAXES HEARING AIDS AND HEARING AID ACCESSORIES; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **SPECIAL MITIGATION FOR MENTALLY ILL OFFENDERS**

**S.B. 20**

*Paula F. Julander*

AN ACT RELATING TO CRIMINAL LAW; ESTABLISHING SPECIAL MITIGATION THAT REDUCES THE CHARGES FOR HOMICIDE OFFENSES, BASED ON MENTAL ILLNESS; PROVIDING STANDARD OF PROOF; AND PROVIDING PROCEDURE, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **APPROPRIATION FOR SOUTHERN CORRIDOR HIGHWAY**

**S.B. 21**

*Lorin V. Jones*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING \$5,000,000 FROM THE GENERAL FUND FOR FISCAL YEAR 1999-2000 TO THE DEPARTMENT OF TRANSPORTATION FOR THE SOUTHERN CORRIDOR HIGHWAY; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **TAXES ON FOOD**

**S.B. 22**

*Michael G. Waddoups*

AN ACT RELATING TO REVENUE AND TAXATION; PROVIDING FOR A TWO-YEAR PERIOD AN INDIVIDUAL INCOME TAX CREDIT TO ASSIST TAXPAYERS IN MEETING THE BURDEN OF PAYING SALES AND USE TAXES LEVIED ON FOOD; REQUIRING THE LEGISLATURE TO MAKE APPROPRIATIONS FROM THE GENERAL FUND TO REPLACE UNIFORM SCHOOL FUND REVENUES EXPENDED IN PROVIDING FOR THE CREDIT; REPEALING STATE AND LOCAL SALES AND USE TAXES LEVIED ON FOOD BEGINNING ON JANUARY 1, 2002; PROVIDING DEFINITIONS; AND MAKING TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **FUNDING FAMILY SUPPORT CENTER**

**S.B. 23**

*Mike Dmitrich*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING \$100,000 TO THE ATTORNEY GENERAL'S OFFICE FOR THE CHILDREN'S



JUSTICE AND FAMILY SUPPORT CENTER OF SOUTHEASTERN UTAH; PROVIDING THAT THE FUNDS BE NONLAPSING; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **THEFT AND PROPERTY DAMAGE AMENDMENTS**

**S.B. 24**

*Mike Dmitrich*

AN ACT RELATING TO THE CRIMINAL CODE; PROVIDING FOR DETERMINATION OF THEFT PENALTIES BASED ON THE VALUE OF CRIMINAL THEFT COMBINED WITH ACCOMPANYING PROPERTY DAMAGE, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **RETIREMENT - USE OF SICK LEAVE AMENDMENTS**

**S.B. 25**

*Michael G. Waddoups*

AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES; MODIFYING THE UNUSED SICK LEAVE AND RETIREMENT PROGRAMS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **NURSE REGISTRATION INTERSTATE COMPACT AMENDMENTS**

**S.B. 26**

*L. Alma Mansell*

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; AMENDING THE NURSE LICENSURE COMPACT REGARDING PARTY STATE AUTHORITY TO TAKE ACTION AGAINST A NURSE'S AUTHORIZATION TO PRACTICE; CLARIFYING WHAT IS ACCEPTABLE PARTY STATE LICENSING BOARD USE OF INFORMATION OBTAINED FROM THE COORDINATED LICENSURE INFORMATION SYSTEM; AND CLARIFYING EXPUNGEMENT REQUIREMENTS, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **CITIZEN PARTICIPATION IN GOVERNMENT ACT**

**S.B. 27**

*R. Mont Evans*

AN ACT RELATING TO THE JUDICIAL CODE; CREATING A DEFENSE FOR CITIZENS WHO PETITION OR PARTICIPATE IN GOVERNMENT PROCESSES; AND PROVIDING FOR A PROCEDURE TO

DISPOSE OF SUITS, was read for the first time and referred by the President of the Senate to the Rules Committee.

### **BAIL BOND FORFEITURE**

**S.B. 28**

*Parley Hellewell*

AN ACT RELATING TO CRIMINAL PROCEDURE; PROVIDING THAT THE FILING OF A CITATION IN MISDEMEANOR CASES SATISFIES THE REQUIREMENT THAT AN INFORMATION OR INDICTMENT BE FILED, was read for the first time and referred by the President of the Senate to the Rules Committee.

### **JUVENILE REFERRALS AND PETITIONS**

**S.B. 29**

*Parley Hellewell*

AN ACT RELATING TO THE JUDICIAL CODE; PROVIDING FOR THE OPTION OF SCREENING BY PROSECUTORS OF REFERRALS IN CRIMINAL PROCEEDINGS INVOLVING MINORS; AND MAKING TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

### **DRUG DEALING PENALTY AMENDMENT**

**S.B. 30**

*Joseph L. Hull*

AN ACT RELATING TO CRIMINAL LAW; AMENDING A PROVISION ENHANCING PENALTIES FOR DRUG OFFENSES COMMITTED IN THE PRESENCE OF A JUVENILE, was read for the first time and referred by the President of the Senate to the Rules Committee.

### **EQUITY IN PRESCRIPTION COVERAGE**

**S.B. 31**

*Paula F. Julander*

AN ACT RELATING TO INSURANCE; REQUIRING HEALTH INSURANCE POLICIES THAT COVER PRESCRIPTION DRUGS TO COVER FDA-APPROVED PRESCRIPTION CONTRACEPTIVE METHODS AND RELATED OUTPATIENT SERVICES; CREATING AN EXEMPTION FOR RELIGIOUS ORGANIZATIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

**RECKLESS ENDANGERMENT****S.B. 32***D. Edgar Allen*

AN ACT RELATING TO CRIMINAL LAW; ENACTING THE CRIME OF RECKLESS ENDANGERMENT; AND PROVIDING A PENALTY, was read for the first time and referred by the President of the Senate to the Rules Committee.

**VENUE OF ACTION****S.B. 33***D. Edgar Allen*

AN ACT RELATING TO CRIMINAL LAW; SPECIFYING JURISDICTIONS WHERE PROSECUTIONS FOR SEXUAL OFFENSES AGAINST PERSONS YOUNGER THAN 16 YEARS OF AGE MAY BE BROUGHT, was read for the first time and referred by the President of the Senate to the Rules Committee.

**IMPACT FEE ARBITRATION****S.B. 65***L. Steven Poulton*

AN ACT RELATING TO CITIES, COUNTIES, AND LOCAL TAXING UNITS; AND PROVIDING AN ARBITRATION PROCESS FOR CHALLENGING AN IMPACT FEE, was read for the first time and referred by the President of the Senate to the Rules Committee.

**STATEWIDE HIGHWAY CRITERIA****S.B. 66***David H. Steele*

AN ACT RELATING TO TRANSPORTATION; AMENDING PROVISIONS FOR THE DESIGNATION OF STATE HIGHWAYS, was read for the first time and referred by the President of the Senate to the Rules Committee.

**INSPECTIONS OF PUBLIC SCHOOL BUILDINGS****S.B. 67***R. Mont Evans*

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT A COUNTY OR MUNICIPALITY MAY PROVIDE FOR THE INSPECTION OF SCHOOL CONSTRUCTION IF A SCHOOL DISTRICT IS UNABLE TO PROVIDE ITS OWN QUALIFIED INSPECTOR; DEFINING TERMS; AND MAKING CERTAIN TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

**SCHOOL BOARD OVERSIGHT OF SCHOOL INSPECTIONS****S.B. 68***R. Mont Evans*

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING FOR THE DEVELOPMENT AND DISTRIBUTION OF A SCHOOL BUILDING CONSTRUCTION AND INSPECTION RESOURCE MANUAL BY THE STATE BOARD OF EDUCATION; PROVIDING FOR AN ANNUAL SCHOOL CONSTRUCTION CONFERENCE; AND REQUIRING THE BOARD TO DEVELOP A PROCESS FOR THE VERIFICATION OF SCHOOL BUILDING INSPECTIONS BY QUALIFIED INSPECTORS, was read for the first time and referred by the President of the Senate to the Rules Committee.

**MANUFACTURING SALES AND USE TAX EXEMPTION****S.B. 69***Howard A. Stephenson*

AN ACT RELATING TO THE SALES AND USE TAX ACT; MODIFYING THE MANUFACTURING EXEMPTION TO RETAIN A 100% EXEMPTION FOR NORMAL OPERATING REPLACEMENTS; AND MAKING TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

**COMPUTERS FOR PUBLIC SCHOOLS AMENDMENTS****S.B. 70***Howard A. Stephenson*

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT THE COMPUTERS FOR PUBLIC SCHOOLS PILOT PROGRAM MAY INCLUDE A COMPONENT TO BUILD NEW COMPUTERS; PHASING OUT THE STATE APPROPRIATION; PROVIDING THAT CHARGES TO DISTRICTS FOR PURCHASING COMPUTERS UNDER THE PROGRAM REFLECT THE NEED TO KEEP THE PROGRAM ECONOMICALLY VIABLE AS THE STATE APPROPRIATION IS BEING PHASED OUT; MODIFYING THE DECISION-MAKING PROCESS; PROVIDING FOR A DISTRIBUTION PROCESS; AND MAKING CERTAIN TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

**OCCUPATIONAL AND PROFESSIONAL  
LICENSURE REVIEW COMMITTEE****S.B. 71***L. Alma Mansell*

AN ACT RELATING TO THE LEGISLATURE; CREATING THE OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW

COMMITTEE; PROVIDING FOR MEMBERSHIP; DELINEATING RESPONSIBILITIES AND PROCEDURES; AND SETTING REVIEW CRITERIA FOR OCCUPATIONS OR PROFESSIONS SEEKING LICENSURE, REGULATION, OR REAUTHORIZATION, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **INCOME TAX AMENDMENTS**

##### **S.B. 72**

*Howard C. Nielson*

AN ACT RELATING TO THE INDIVIDUAL INCOME TAX ACT; REPEALING OBSOLETE LANGUAGE; REQUIRING THE STATE TAX COMMISSION TO MAKE CERTAIN INFLATIONARY ADJUSTMENTS TO THE INDIVIDUAL INCOME TAX BRACKETS AND AMOUNT OF TAX; MODIFYING DEFINITIONS; CHANGING THE BASIS FOR CALCULATING INDIVIDUAL INCOME TAXES FROM FEDERAL TAXABLE INCOME TO FEDERAL ADJUSTED GROSS INCOME; REPEALING THE ADDITION TO INCOME OF 25% OF A TAXPAYER'S FEDERAL PERSONAL EXEMPTIONS; REQUIRING TAXPAYERS TO ELECT TO SUBTRACT FROM ADJUSTED GROSS INCOME EITHER THE FEDERAL STANDARD DEDUCTION OR FEDERAL ITEMIZED DEDUCTIONS; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **CREDIT FOR CONTRIBUTIONS TO CHILD CARE**

##### **S.B. 73**

*Leonard M. Blackham*

AN ACT RELATING TO REVENUE AND TAXATION; PROVIDING A CREDIT FOR CONTRIBUTIONS BY CORPORATIONS TO CHILD CARE PROVIDERS, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **CHILD CARE PROVIDER CRIMINAL BACKGROUND CHECK AMENDMENTS**

##### **S.B. 74**

*Pete Suazo*

AN ACT RELATING TO CHILD CARE; REQUIRING A NATIONAL CRIMINAL BACKGROUND CHECK OF INDIVIDUALS ASSOCIATED WITH CHILD CARE PROVIDERS; AND MAKING CERTAIN TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

**FINANCIAL IDENTITY FRAUD****S.B. 75***Gene Davis*

AN ACT RELATING TO CRIMINAL CODE; AMENDING AUTHORITY OF THE DIVISION OF CONSUMER PROTECTION; CREATING THE CRIMINAL OFFENSE OF FINANCIAL IDENTITY FRAUD AND EXCEPTIONS; PROVIDING INVESTIGATIVE POWERS, JURISDICTION, AND PUNISHMENT, was read for the first time and referred by the President of the Senate to the Rules Committee.

**SALES AND USE TAX EXEMPTION FOR  
POLLUTION CONTROL FACILITIES****S.B. 76***John L. Valentine*

AN ACT RELATING TO THE ENVIRONMENTAL QUALITY CODE; EXTENDING THE TIME PERIOD FOR WHICH A TAXPAYER MAY CLAIM A SALES AND USE TAX EXEMPTION FOR CERTAIN SALES OR USES RELATING TO A POLLUTION CONTROL FACILITY; EXTENDING THE TIME PERIOD FOR ERECTING, CONSTRUCTING, OR INSTALLING A POLLUTION CONTROL FACILITY FOR PURPOSES OF THE SALES AND USE TAX EXEMPTION; PROVIDING LIMITS ON THE TIME PERIOD FOR CLAIMING A REFUND FOR SALES AND USE TAXES PAID ON CERTAIN PURCHASES RELATING TO A POLLUTION CONTROL FACILITY; PROVIDING FOR INTEREST TO ACCRUE ON CERTAIN SALES AND USE TAXES PAID ON CERTAIN PURCHASES RELATING TO A POLLUTION CONTROL FACILITY; AND MAKING TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

**ELECTRONIC TRANSMISSION OF TAX NOTICE INFORMATION****S.B. 77***David H. Steele*

AN ACT RELATING TO REVENUE AND TAXATION; SPECIFYING THAT NOTICE FROM THE TAX COMMISSION TO A COUNTY AUDITOR MAY BE MADE BY ELECTRONIC COMMUNICATION, FIRST CLASS MAIL, OR PRIVATE CARRIER; AND MAKING OTHER CONFORMING AMENDMENTS, was read for the first time and referred by the President of the Senate to the Rules Committee.

**SPECIAL DISTRICT BOARD TRAINING****S.B. 78***R. Mont Evans*

AN ACT RELATING TO SPECIAL DISTRICTS; REQUIRING NEWLY ELECTED OR APPOINTED BOARD OR GOVERNING BODY MEMBERS

TO COMPLETE TRAINING; AUTHORIZING THE STATE AUDITOR TO DEVELOP TRAINING CURRICULUM AND TO PROVIDE TRAINING; AND AUTHORIZING PER DIEM COMPENSATION OF BOARD OR GOVERNING BODY MEMBERS WHO COMPLETE TRAINING, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **SALES TAX EXEMPTION FOR MANUFACTURED HOMES**

**S.B. 79**

*Lyle W. Hillyard*

AN ACT RELATING TO THE SALES AND USE TAX ACT; REPEALING THE EXPIRATION DATE FOR THE SALES AND USE TAX EXEMPTION FOR MANUFACTURED HOMES, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **HIGHER EDUCATION FACULTY**

**S.B. 80**

*R. Mont Evans*

AN ACT RELATING TO HIGHER EDUCATION; PROVIDING THAT FULL-TIME FACULTY AT HIGHER EDUCATION INSTITUTIONS MAY ENROLL IN GRADUATE CLASSES WITHOUT PAYING TUITION IF SPACE IS AVAILABLE WITHOUT INCREASING INSTRUCTIONAL COSTS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **FUNDING FOR COUGAR AND BEAR DEPREDAATION**

**S.B. 81**

*Beverly Ann Evans*

AN ACT RELATING TO APPROPRIATIONS; APPROPRIATING \$150,000 FROM THE GENERAL FUND IN FISCAL YEAR 1999-2000 TO THE DIVISION OF WILDLIFE RESOURCES TO COMPENSATE LIVESTOCK OWNERS FOR LIVESTOCK DAMAGED BY COUGAR AND BEAR; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **PRACTICE OF MEDICINE**

**S.B. 82**

*Robert F. Montgomery*

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; AMENDING THE DEFINITION OF THE PRACTICE OF MEDICINE TO INCLUDE ADMINISTERING ANESTHESIA, was read for the first time and referred by the President of the Senate to the Rules Committee.

**HEBER VALLEY HISTORIC  
RAILROAD AUTHORITY - REAUTHORIZATION**

**S.B. 83**

*Beverly Ann Evans*

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; AMENDING THE SUNSET DATE FOR THE HEBER VALLEY HISTORIC RAILROAD AUTHORITY, was read for the first time and referred by the President of the Senate to the Rules Committee.

**RETIREMENT BENEFIT ENHANCEMENT**

**S.B. 84**

*Howard C. Nielson*

AN ACT RELATING TO PENSIONS; AUTHORIZING PAYMENT OF AN ADDITIONAL RETIREMENT BENEFIT TO CERTAIN RETIREES; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

**APPROPRIATION TO RURAL REHABILITATION FUND**

**S.B. 85**

*Leonard M. Blackham*

AN ACT RELATING TO AGRICULTURE; SPECIFYING THE CONTENTS AND USES OF THE AGRICULTURE RESOURCE DEVELOPMENT FUND; APPROPRIATING \$2,000,000 FROM THE AGRICULTURE RESOURCE DEVELOPMENT FUND FOR FISCAL YEAR 1998-1999 TO THE RURAL REHABILITATION FUND; MAKING TECHNICAL AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

**REPORTING TESTS OF INDIVIDUALS  
INVOLVED IN MOTOR VEHICLE CRASHES**

**S.B. 86**

*Scott N. Howell*

AN ACT RELATING TO MOTOR VEHICLES; REQUIRING REPORTING OF CERTAIN TESTS PERFORMED ON PERSONS INVOLVED IN MOTOR VEHICLE CRASHES BY HEALTH CARE PROVIDERS; PROVIDING IMMUNITY FOR LIABILITY; AND PROVIDING CRIMINAL PENALTIES, was read for the first time and referred by the President of the Senate to the Rules Committee.



**RESTRICTION ON CREATION OF LOCAL DISTRICTS****S.B. 87***R. Mont Evans*

AN ACT RELATING TO LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES; EXTENDING THE DATE BEFORE WHICH THE PROCESS TO CREATE A LOCAL DISTRICT MAY NOT BE INITIATED, was read for the first time and referred by the President of the Senate to the Rules Committee.

**MOTOR VEHICLE INSURANCE AMENDMENTS****S.B. 88***Howard A. Stephenson*

AN ACT RELATING TO INSURANCE; AMENDING MOTOR VEHICLE INSURANCE PROVISIONS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred by the President of the Senate to the Rules Committee.

**CORRECTIONS PROGRAM SUNSET REPEAL****S.B. 89***Michael G. Waddoups*

AN ACT RELATING TO CORRECTIONS; REMOVING THE SUNSET DATE REGARDING REPORTING REQUIRED OF THE DEPARTMENT OF CORRECTIONS' SEX OFFENDER PROGRAM, was read for the first time and referred by the President of the Senate to the Rules Committee.

**HIGHER EDUCATION SCHOLARSHIPS****S.B. 90***Robert F. Montgomery*

AN ACT RELATING TO EDUCATION; PROVIDING FOR THE AWARDING OF TWO-YEAR SCHOLARSHIPS TO STUDENTS WHO COMPLETE THE REQUIREMENTS FOR AN ASSOCIATE DEGREE BY THE TIME THEY GRADUATE FROM HIGH SCHOOL; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

**WEAPONS - TECHNICAL AMENDMENTS****S.B. 91***Michael G. Waddoups*

AN ACT RELATING TO CRIMINAL CODE; SEPARATING INTO TWO SECTIONS PROVISIONS RELATING TO DEFINITIONS AND UNIFORM

LAW TO FACILITATE THE ADDITION OF DEFINITIONS IN THE FUTURE; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred by the President of the Senate to the Rules Committee.

### **FAIR HOUSING AMENDMENTS**

**S.B. 92**

*Ed P. Mayne*

AN ACT RELATING TO REAL ESTATE; REVISING THE PROCEDURE FOR FILING AND RESOLVING A FAIR HOUSING COMPLAINT; AND MAKING TECHNICAL CHANGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

### **ANTIDISCRIMINATION ACT AMENDMENTS**

**S.B. 93**

*Ed P. Mayne*

AN ACT RELATING TO LABOR; CHANGING THE TERM HANDICAP TO DISABILITY THROUGHOUT THE ANTIDISCRIMINATION ACT; REPEALING APPOINTMENT OF COORDINATOR; CLARIFYING ORDERS ISSUED BY DIVISION DIRECTOR; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred by the President of the Senate to the Rules Committee.

### **INTRODUCTION OF RESOLUTIONS**

#### **RESOLUTION CALLING FOR PREPARATIONS FOR YEAR 2000**

**S.C.R. 1**

*Scott N. Howell*

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR URGING THE PUBLIC AND PRIVATE SECTORS AND THE CITIZENS OF UTAH TO PREPARE FOR THE POTENTIAL CHALLENGES OF THE YEAR 2000 EVENT, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **RESOLUTION ON USE OF TOBACCO SETTLEMENT PROCEEDS**

**S.C.R. 2**

*Howard C. Nielson*

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR REAFFIRMING THE RIGHT OF STATES TO DETERMINE THE DISPOSITION OF TOBACCO SETTLEMENT FUNDS AND URGING THE FEDERAL GOVERNMENT TO NOT INTERFERE WITH HOW STATES

CHOOSE TO EXERCISE THIS RIGHT, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **CHILD CARE COMMISSION RESOLUTION**

**S.J.R. 1***Leonard M. Blackham*

A JOINT RESOLUTION OF THE LEGISLATURE URGING THE GOVERNOR TO ESTABLISH A BUSINESS COMMISSION ON CHILD CARE TO IDENTIFY AND ASSESS CHILD CARE NEEDS WITHIN THE STATE AND DEVELOP RECOMMENDATIONS TO MEET THOSE NEEDS, INCLUDING APPROPRIATE FINANCIAL STRATEGIES, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST**

**S.J.R. 2***Lane Beattie*

A JOINT RESOLUTION OF THE LEGISLATURE APPROVING THE APPOINTMENT OF JOHN E. MASSEY AS LEGISLATIVE FISCAL ANALYST, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **ENGLISH PLUS RESOLUTION**

**S.J.R. 3***Pete Suazo*

A JOINT RESOLUTION OF THE LEGISLATURE RECOGNIZING THE ECONOMIC AND CULTURAL BENEFIT OF PROFICIENCY IN ENGLISH AND OTHER LANGUAGES; AND REAFFIRMING UTAH'S ADVOCACY OF THE TEACHING OF OTHER LANGUAGES, was read for the first time and referred by the President of the Senate to the Rules Committee.

#### **RESOLUTION ENCOURAGING EFFECTIVE WATER MANAGEMENT FOR THE FUTURE**

**S.J.R. 4***Scott N. Howell*

A JOINT RESOLUTION OF THE LEGISLATURE URGING THE CITIZENS OF UTAH TO TAKE AN ACTIVE ROLE IN EFFORTS TO CONSERVE WATER, was read for the first time and referred by the President of the Senate to the Rules Committee.

**RESOLUTION AMENDING  
STATE AND LOCAL GOVERNMENT PROVISIONS**

**S.J.R. 5***Howard C. Nielson*

A JOINT RESOLUTION OF THE LEGISLATURE AMENDING AND ENACTING PROVISIONS RELATING TO LOCAL GOVERNMENT; REPEALING DUPLICATIVE LANGUAGE PROHIBITING A PROPERTY QUALIFICATION TO VOTE OR HOLD OFFICE; MODIFYING GENERAL AND SPECIAL ELECTION PROVISIONS; EXPANDING THE PROHIBITION AGAINST LENDING PUBLIC CREDIT TO A PRIVATE INDIVIDUAL OR CORPORATION; PROVIDING FOR POWERS OF COUNTIES, CITIES, TOWNS, AND OTHER POLITICAL SUBDIVISIONS OF THE STATE; MODIFYING PROVISIONS FOR MOVING A COUNTY SEAT; REPEALING CHARTER CITY PROVISIONS; MODIFYING SPECIAL SERVICE DISTRICT PROVISIONS; EXPANDING PROHIBITION AGAINST IMPOSING TAXES FOR LOCAL PURPOSES; MODIFYING DEBT PROVISIONS; MODIFYING HIGHWAY PURPOSES FOR WHICH REVENUE FROM HIGHWAY USER AND MOTOR FUEL TAXES ARE TO BE USED; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

**SENATE RULES RESOLUTION - RULES COMMITTEE**

**S.R. 1***L. Steven Poulton*

A RESOLUTION OF THE SENATE REVISING SENATE RULES; ESTABLISHING THE POWERS OF THE SENATE RULES COMMITTEE; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

**SENATE RULES RESOLUTION**

**S.R. 2***L. Steven Poulton*

A RESOLUTION OF THE SENATE REVISING SENATE RULES; MODIFYING IMPEACHMENT RULES; CLARIFYING CONCURRENCE PROCEDURES; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred by the President of the Senate to the Rules Committee.

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On motion of Hillyard, and at 12:00 noon, the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:05 p.m., with President Beattie presiding.

### BILL ASSIGNMENT REPORTS

To the Members of the Senate: January 18, 1999

The Rules Committee, having received from the President the following Senate Bills and Resolutions orders them printed and recommends they be assigned to the following committees:

#### **Business, Labor & Economic Development**

<b>S.B. 65</b>	Impact Fee Arbitration (L. Poulton)
<b>S.B. 71</b>	Occupational and Professional Licensure Review Committee (L. Mansell)
<b>S.J.R. 1</b>	Child Care Commission Resolution (L. Blackham)

#### **Education**

<b>S.B. 13</b>	Board of Regents Oversight of Student Instruction (M. Peterson)
<b>S.B. 67</b>	Inspections of Public School Buildings (R. Evans)
<b>S.B. 68</b>	School Board Oversight of School Inspections (R. Evans)
<b>S.B. 70</b>	Computers for Public School Amendments (H. Stephenson)
<b>S.B. 80</b>	Higher Education Faculty (R. Evans)

#### **Energy, Natural Resources, and Agriculture**

<b>S.B. 15</b>	Electric Restructuring Study (L. Jones)
<b>S.B. 81</b>	Funding for Cougar and Bear Depredation (B. Evans)
<b>S.B. 85</b>	Appropriation to Rural Rehabilitation Fund (L. Blackham)

#### **Health and Environment**

<b>S.B. 18</b>	Radiation Control Act – Civil Penalties (H. Nielson)
<b>S.B. 82</b>	Practice of Medicine (R. Montgomery)

#### **Human Services**

<b>S.B. 5</b>	Marriage – Minimum Age (S. Howell)
<b>S.B. 7</b>	Youth Parole Authority Amendments (J. Hull)
<b>S.B. 10</b>	Public Assistance Eligibility (M. Peterson)

#### **Judiciary**

<b>S.B. 16</b>	Gang Enhancement Amendments (J. Hull)
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**S.B. 23** Funding Family Support Center (M. Dmitrich)  
**S.B. 75** Financial Identity Fraud (G. Davis)

**Revenue and Taxation**

**S.B. 8** Research Tax Credits Modifications (H. Nielson)  
**S.B. 9** Long Term Care Amendments (H. Nielson)  
**S.B. 19** Sales and Use Tax Exemption for Hearing Aids and  
Hearing Aid Accessories (R. Montgomery)  
**S.B. 79** Sales Tax Exemption for Manufactured Homes  
(L. Hillyard)

**State and Local Affairs**

**S.B. 83** Heber Valley Historic Railroad Authority (B. Evans)  
**S.J.R. 2** Resolution Approving the Appointment of Legislative  
Fiscal Analyst (L. Beattie)  
**S.J.R. 5** Resolution Amending State and Local Government  
Provisions (H. Nielson)

**Transportation and Public Safety**

**S.B. 6** Seat Belt Law Amendments (R. Montgomery)  
**S.B. 14** Snowmobile User Fee (L. Jones)  
**S.B. 66** Statewide Highway Criteria (D. Steele)  
**S.B. 86** Reporting Tests of Individuals Involved in Motor Vehicle  
Crashes (S. Howell)

Steven Poulton,  
Rules Committee Chair

Report filed.

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To the Members of the Senate: January 18, 1999

The Rules Committee, having received from the President the following Senate Bills, orders them printed and recommends they be placed on the Second Reading Calendar:

**S.B. 77** Electronic Transmission of Tax Notice Information  
(D. Steele)  
**S.B. 78** Special District Board Training (R. Evans)

Steven Poulton,  
Rules Committee Chair

Report filed. The bills were placed on the second reading calendar.

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On motion of Senator Poulton, under suspension of the rules, the Senate voted to life **S.J.R. 2**, RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST, was lifted from State and Local Affairs and placed at the top of the Second Reading Calendar.

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On motion of Senator Hillyard, Chief Justice Richard C. Howe spoke in Committee of the Whole. Senator Hillyard introduced the Associate Chief Justices Christine M. Durham, Michael D. Zimmerman, Daniel I. Stewart, and Leonard H. Russon.

On motion of Senator Hillyard, the Senate voted to have Chief Justice Howe's remarks printed upon the pages of the Senate Journal.

#### **REMARKS OF CHIEF JUSTICE HOWE**

President Beattie, Senators and guests:

Thank you for the opportunity to report to you today on the state of Utah's Judiciary. Before I begin, I would like to introduce to you the other members of the Supreme Court who are here with me today. I would also like to introduce to you District Judge Anthony Schofield from Utah County, who is the vice chairman of the Utah Judicial Council, and of which I am chairman; and Dan Becker, our State Court Administrator.

I welcome any chance I have to return to this wonderful and historic building. For more than 35 years have come to the Capitol, most recently as a member of the Supreme Court, but before that as a legislator. In fact, I sat at that very desk. Things have changed perhaps less than you might think. We still hold court here from time to time; we will have oral argument in the Supreme Court room here in the Capitol the first week in February. I still feel at home here.

While the primary location of the Supreme Court has changed since you last met, and we and the Court of Appeals, Administrative Office of the Courts, Third District Court and the Third District Juvenile Court have all moved into the Matheson Courthouse in the past year, the people's business has continued to be served uninterrupted, and the state of the judiciary is vigorous and healthy.

On a personal note, I digress to note that the Supreme Court has under advisement the rehearing of a case involving the relationship between the Legislative and the Judicial branches of our state government. We have expedited the hearing process and expect to have a decision by the end of this week.

Much as the growth of the state as a whole has “sizzled,” as Governor Leavitt described it a few years ago, so has the caseload of our courts, and as the growth of the state has continued, but at a slower rate, so has the growth of the courts’ workload. In 1998 our filings grew 4 percent over 1997 in the district courts. But I am not here today to go over statistics or to justify our resource requests; I will leave that to our able staff and to your appropriations process. Rather, today I would like to talk with you about the real work of the courts, the day to day efforts of judges and staff across the state to serve the people of Utah. I thought that by sharing with you two examples of how your judiciary affects the lives of Utahns, you might get a more tangible feel for the real state of the Utah Judiciary.

Our first story is about Patti. At 17, Patti began to use heroin. Her parents, very well respected members of our community, were distraught. They tried everything to keep a hold of their daughter, and to turn her back into the bright, sweet girl that they had raised. But the grip of heroin is very powerful, and instead of drawing her nearer, her parents’ efforts to help her were met by Patti with anger, and she soon left home. A short time later, Patti became pregnant. Sleeping where she could, sometimes even on the streets, and stealing to support her drug habit, even she knew she could not take care of a child. So she contacted her parents, and they agreed to care for their new baby granddaughter. But that was the last they would hear from Patti for over a year. Over the next six years, the pattern was the same; nobody would hear from Patti for months, and then she would call, say she was all right, sometimes ask for money, and the parents would go another several months without a word. Once, they didn’t hear from her for 18 months; her parents didn’t know if she had died, or was sick, or in jail. In fact, she was arrested several times on felony drug charges in various states, and had always fled or done a short jail sentence. Until one day, when the opportunity of her lifetime presented itself. She was arrested in Salt Lake City, and as she met with her court appointed defense attorney in jail, he explained to her an opportunity called drug court. The Salt Lake Drug Court, run by the Third District Court, would be a harder road than if she worked out a plea agreement with the prosecutor and spent a few months in jail, but the resources of the drug court could perhaps help her completely turn her life around, if she was ready.

Fifteen months later, after over a year of daily treatment; after over a year of almost weekly meetings with the drug court judge; after over a year of being completely drug free, a family is reunited. Patti’s joyful parents now have their bright, sweet daughter back, an 8 year old girl has a caring, committed mother, and Patti has her life back. She now works in a law firm, supports her daughter, and has dinner with her parents every Sunday. And, she serves as a mentor and an example for the 200 people that are right now striving to be what she is: a drug court graduate.



I would also like to tell you about what happens when our justice system manages to help people like Patti before they get to the adult system. Let me tell you about Jeremy. Jeremy is 15, and Jeremy has already been to Juvenile Court several times. He has been referred for smoking, for truancy, and for joyriding. But one afternoon, Jeremy breaks into a house and steals jewelry from the school teacher that lives there, and the Nintendo set and a piggy bank from her 12 year old daughter. Jeremy also breaks several heirlooms and paintings in the house. When the teacher and her daughter come home, they are of course terrified at the thought of someone having been in their home, and heartbroken over their loss. A couple of weeks later, when they are told that a 15 year old boy has confessed to the break-in they feel a little better, but when they are asked to come in and meet with the boy to mediate the restitution, they are a little nervous. But as the process is explained, they agree to come.

At the mediation, a volunteer mediator, trained by the court, helps the teacher, her daughter and Jeremy talk about what would make them feel whole again. The value of the property damage is relatively easy to determine, but of course the sentimental value can't be quantified. The daughter says she is mostly just scared that they will be robbed again, and is at first frightened of Jeremy. But as they begin to talk about Jeremy and his means of repaying them, it becomes clear that he is from a disadvantaged family, that he has no real prospects for being able to get the money to pay the restitution amount. It also is clear to the victim, the teacher, that Jeremy is unlikely to graduate from school, and she slowly begins to care about his education, and his future. After another hour of discussion and some creative thinking, an unusual deal is struck. To make the daughter victim feel better, Jeremy apologizes to her and agrees to buy her a new piggy bank. As for the property damage and loss, Jeremy agrees to work in the juvenile court work restitution program to begin paying off the agreed amount, but then the victim, the teacher, offers to deduct \$250 for each A or B Jeremy earns on his school report cards for the next year. To me that is amazing. Perhaps putting a face on a victim helps to make consequences more real for offenders, but sometimes putting a face on a troubled youth is good for the soul, and helps to make a community whole.

The juvenile court restitution mediation program I just described came about as the result of some innovative people in our courts listening to what victims and communities were saying about what they really wanted. What they wanted was accountability for juvenile offenders, and they wanted us to focus on helping to heal the community after violence is done to that community's values. We heard them, and I think we have responded positively. And we need to do that more often. For too long, the courts in Utah and courts throughout the country have paid more attention to what those in the justice and legal communities were saying than to what the court's customers have been trying to tell us. Both perspectives are

important, and we are making an effort to be sure that we are providing opportunities for the average person to speak up, and to be sure we are paying attention.

The best example of what I am talking about is the work of our Task Force on Racial and Ethnic Fairness in the Legal System. This group, made up of leaders from within both our criminal justice system and our ethnic communities, held twelve public hearings across the state over the last six months, from Logan to St. George, from Blanding to individual neighborhoods within Salt Lake City. The number of those attending were at times so large that people waited three or more hours for a turn to tell their story. These stories more often than not were directed at concerns over whether ethnic minorities are treated fairly by law enforcement, prosecution, the courts and corrections. Repeatedly, the concerns expressed were about the future, and particularly, what the future holds for their children. Our eyes have been opened, we have learned a great deal, and the Task Force will be working hard over the coming year to propose specific solutions to some problems that we have heard. Some of those solutions may require legislation, and I expect that we will need to talk about these issues before your next session.

Another issue that we expect to report to you about next year is the Family Court issue. Starting this month and continuing over the next six months, the Judicial Council will again be listening. Listening to what all those who have an interest in family law have to say about the obstacles they see in our present system for handling the multitude of family related disputes that come before our district and juvenile court judges, and their opinions on what types of changes would best address these obstacles. I should note that I have come to realize that the term “family court” is a term whose meaning varies from person to person, and certainly from state to state. Our research shows that no two states that say they have a family court have a court that is the same as another. Of course our research also shows that we are currently regarded as having one of the best court systems in the country, so we are proceeding carefully. As we examine this issue in Utah, we see family court as a continuum of options that range from a structural change at one end, in which the family court would become a division of the district court and the juvenile court would be eliminated, to at the other end, adopting different ways of information sharing between our existing district and juvenile courts that would allow for more collaborative case management of family disputes. In my opinion, there are no more important issues coming before our courts than those which are pulling families apart, and it is incumbent on us to take the lead in exploring ways in which our courts can more effectively deal with problems facing our families. In my address next year, after having heard from all interested parties, I hope to be able to share with you the results of our discussions and advance any proposals for change at that time.

Listening means making sure everyone who has an interest also has an opportunity to say their piece, and listening should also mean helping the individual who is trying to negotiate a complex legal system. For the past year a toll-free information line, or 1-800 number as it is commonly called, has been providing immediate help to hundreds of people per month. This line is staffed by our Administrative Office of the Courts, and it provides quick access to a free resource who can answer a wide variety of questions, from where do I file this small claims action to how do I get a domestic violence protective order. More routine questions are sometimes answered by our internet site, and while I personally do not "surf the net," I am amazed at how many people do. Literally tens of thousands of people are visiting our court web site each year for information on their courts, including court calendars, rules, and our Supreme Court and Court of Appeals opinions. Also, a new automated information line installed in the Matheson Courthouse allows anyone with a phone and their case number to get information directly from a computer on court dates, fine balances, the status of civil cases, and other case information. Soon we expect that the public will be able to use this system to pay their traffic fines over the phone, too.

Today I have spoken to both accomplishments and challenges. Each advance we make or problem we confront is not one we address alone. This state has a strong tradition of working together to address the issues that face us, and our best efforts are ones that we have addressed together. Of course, each branch of government has its role, roles we have taken and should take seriously. But our efforts are also complimentary, and the results of our labors should always be for the same end, the ends of the public we serve. We are always open to your input on issues of common concern, and today I would like to welcome whatever suggestions or ideas you might have for us to improve our court system.

As I mentioned at the outset of my remarks, I have had the honor of serving in both chambers of the legislature and now as Chief Justice of our Supreme Court. Through these experiences, my appreciation for our state government has only grown, and my pride in playing a part in serving our public is immense. I know that the judges and staff working in our courts feel that same pride, just as those who carry out the work of the legislature and executive do. In the course of that work, do ripples, and sometimes waves occur? Of course they do. They are an inherent part of our form of government. But looking at the lake as a whole, these ripples are few and far between. My pride, our pride in state government in Utah is well placed. I wish you well in your deliberations, and I thank you for your time.

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On motion of Senator Howell, Nation Piece spoke in Committee of the Whole.

**BILL ASSIGNMENT REPORTS**

To the Members of the Senate: January 18, 1999

The Rules Committee, having received from the President the following Senate bills and resolution, orders them printed and recommends they be assigned to the following committees:

**ENERGY, NATURAL RESOURCES AND AGRICULTURE**

**S.J.R. 4** Resolution Encouraging Effective Water Management for the Future (S. Howell)

**TRANSPORTATION AND PUBLIC SAFETY**

**S.B. 11** Driver Licensing Amendments (M. Peterson)

**S.B. 12** Graduated Driver Licensing (S. Howell)

**S.B. 21** Appropriation for Southern Corridor Highway (L. Jones)

**S.B. 91** Weapons – Technical Amendments (M. Waddoups)

**JUDICIARY**

**S.B. 20** Special Mitigation for Mentally Ill Offenders (P. Julander)

**S.B. 24** Theft and Property Damage Amendments (M. Dmitrich)

**S.B. 27** Citizen Participation in Government Act (R. Evans)

**S.B. 28** Bail Bond Forfeiture (P. Hellewell)

**S.B. 29** Juvenile Referrals and Petitions (P. Hellewell)

**S.B. 30** Drug Dealing Penalty Amendment (J. Hull)

**S.B. 32** Reckless Endangerment (D. Allen)

**S.B. 33** Venue of Action (D. Allen)

Steven Poulton,  
Rules Committee Chair

Report filed.

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On motion of Senator L. Hillyard and at 2:45 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 19, 1999.

**JOINT CONVENTION**

President R. Lane Beattie called the Joint Convention to order at 6:30 p.m. in the Chamber of the Utah House of Representatives.

A quorum of the Senate and the House of Representatives was presents.

President Beattie appointed a Joint Committee comprised of Senators Lyle W. Hillyard, Leonard M. Blackham, and Scott N. Howell, and Representatives Kevin S. Garn, David Ure, and David M. Jones to notify Governor Michael O. Leavitt that the 1999 General Session of the Fifty-Third Legislature is in Joint Convention and ready to his his State of the State address.

President Beattie acknowledged special guests and elected and appointed officials in attendance at the Joint Convention.

Governor Michael O. Leavitt was presented to the Joint Convention by the committee.

On motion of Senator Hillyard, the Joint Convention voted to have the complete text of the Governor's State of the State address printed across the pages of the Senate Journal.

#### **REMARKS BY GOVERNOR MICHAEL O. LEAVITT**

Good evening, President Beattie, Speaker Stephens, Chief Justice Howe, Lieutenant Governor Walker and my fellow Utahns. For the 103rd time since statehood, a governor rises to deliver a State of the State address to the Legislature and the people.

It is my privilege to stand tonight to mark the opening session of the 53rd Legislature; a nationwide observance of human rights; and the embarkation of a progressive, young state on the journey of millennial succession. The state of our state in 1999 is a strong economy, abundant jobs, shrinking class sizes and rising overpasses. The portrait of our people reflects pioneering drive and confident ability. The final year of the century has arrived in a tempest of doubt and confidence. The stock market soars amid the trial of impeachment. One week, Iraq dominates world headlines. The next week, we do.

For the past month, our state has been the focus of attention we would never have invited. It has been a period of relentless soul-searching as community standards of integrity collided with the difficult revelations about conduct in bidding for the 2002 Winter Olympics. Every Utahn feels the sting of a scandal that has diminished a great movement and poisoned, for now, the wellspring of excitement and pride we felt upon becoming an Olympic host. At one of the darkest moments of this disheartening experience I found myself sitting alone in the library of the governors residence. The words my father said to me nearly every time I left the house as a boy came to my mind. "Remember who you are and what you stand for."

Tonight I stand at the pulpit of the people, in this most formal state setting, to say firmly, unequivocally: We know who we are. We know what we stand for. We are a people familiar with success and the honest ethic of work that compels it. We are a state of industry that cultivated a desert. This is the place that linked an entire nation by railroad. We do not excuse our contribution to this problem; we accept responsibility and pledge its correction. What we hunger for the world to understand--and for history to record--is that the dishonorable actions of a few do not represent the collective aspirations of the many. Let the promise of opportunity flow from this moment of adversity. Ours is to make a contribution of lasting value. Not just a Games that are higher, faster, stronger, but an entire movement that is truer, nobler and worthier. In a short time Utah will have fully inventoried and disclosed the mistakes of the bid process, formed new leadership and reunified our people to the task of moving forward. We will host a games of historic quality and do it within available Olympic revenues. The International Olympic Committee must now do likewise: Tell all, expel the offenders, change the bid process and return to its place as a force of human ennoblement. Tonight I call on the entire Olympic family: Let history remember this as the cleansing moment when we look inward and returned the games to its roots of athleticism and altruism rather than money and materialism. Let the gift for which Utah is most remembered be returning the Olympics to the athletes.

## **DIGITAL STATE**

Let the world see the true face of Utah when it arrives in 2002, and let it also see the future. In 1903, the first telephone lines came to my hometown of Cedar City. Two years later, an extension was run into a small town to the north called Enoch. Just outside Enoch lived a gentleman by the name of William H. Grimshaw, and it was William H. Grimshaw's desire to obtain what was then unobtainable a telephone in his own home. The manager of the Cedar City phone company tried to dissuade him, noting that the cost of extending the wires was impractical and expensive. But William was not a man to be denied. He set about connecting every barbed wire connecting his property to town. Few believed it would do anything but maybe spook the cattle a little. But then William borrowed a phone, installed it and rang up central. Arabella Jones, the operator said, "Number please. Who is this?" The smuggest voice in Iron County replied, "This is William H. Grimshaw on Linger Longer Lane talking on the barbed wire fence." It took 75 years for William Grimshaw's dream of a phone in his home to become reality for nearly every Utahn. And by then, other dreams were materializing. In the span of 25 years, thanks to Philo Farnsworth, television revolutionized the world.

Tonight, I would like to propose an initiative of shoot-the-moon proportions; one that equals the impact of telephones and television; one that, thanks to the Internet, is becoming reality in the quick blink of a decade. By the time the world comes here to visit in 2002, I propose we have in place the foundation for a truly 'digital' state, including the ability to deliver high-speed, high-capacity 'webtone' to every home, school, and business in this state. Webtone is not a familiar term yet, but it will be. It is quick, immediate, high-speed access to the worldwide web, and soon it will be as commonplace and as easy as picking up a telephone and hearing dial tone. It works at speeds one hundred times faster than we have today. Once this step is in place, it enables all the rest of the goals that are part of becoming a 'digital' state: the capability to deliver education from colleges and universities directly into homes. The capability to pay bills, conduct banking, and make purchases online. The capability to deliver medical services to remote areas electronically. The capability to access government services 24 hours a day. Such high-speed access will be a boon to business' bottom lines throughout the state. For this to occur, there must be a new level of cooperation, as well as appropriate competition, among technology providers telephone companies, cable operators, wireless companies, and Internet service providers. It will not happen unless we work together. The state's role will be to remove unnecessary barriers to innovation, incent new investment in infrastructure, protect ratepayers, and create a level playing field for competition. And we must make sure this build-out of digital infrastructure occurs all over the state. Today the dream of webtone, building a 'digital Main Street', and a college class in every kitchen is achievable.

## **PUBLIC EDUCATION**

Let me move on now from the most sweeping of our visions to our most challenging of priorities. Over the past six years, we have reduced class sizes, raised teacher pay and hooked classrooms to the Internet. We have rewarded local control and innovation. Our goal is the continuous improvement of public education, and number one in that continuum is reading. While many of our test scores are improving, reading scores in our fourth and fifth grades are declining. They are now below the national average. So we will embark on a program to reverse downward momentum, and we will put it in place early. Eighty percent of all children who haven't attained the appropriate reading level by the end of third grade never catch up. That is a sobering statistic considering that reading is the key to success in every area of learning and reading failure is almost completely preventable. By the end of the 1999 school year, I propose that every first, second and third grader be tested. If students are not reading at grade level, this state should provide them with an additional 30 days of school in summer classes no larger than seven students.

I'd like you to meet Kaylee Ann Woodward. (Kaylee Ann joins governor and reads from the teleprompter: "This reading initiative is the centerpiece of an aggressive education agenda."). Thank you very much. Kaylee Ann is just six years old, a first-grader at Maeser Elementary in Provo, and for her seventh birthday I think I'm going to get her a copy of "War and Peace." Kaylee Ann was taught to read by her mother before she entered kindergarten. She is an example of the best home and school cooperation. But for too many elementary children, reading is an unpleasant chore they do not understand and cannot master. We will fix that. In addition to supplementary instruction, I propose dramatic increases in the level of training we provide teachers who teach reading. I recommend age-appropriate materials be provided to assist children who lag behind. And I propose an aggressive campaign to give new parents information so they can help prepare their children for reading long before they start school. Just like Kaylee Ann.

I also call upon our communities to join together in partnership. We need volunteers to go into our schools, take a child by the hand and help him or her through this stage of critical learning. All will be worth the investment of time and money because the cost of solving our education problems is minuscule compared to the cost of doing nothing. Competency, competency, competency that's the second piece of the education initiative. Too many of our students are completing their primary grades without the capacity to perform basic skills. Our state has a core curriculum and standards directing what should be taught. But to that we must add assessments to see if students are actually learning it. I propose that every tenth-grade student starting in the year 2001 be given a basic skills exam to test in the areas of reading, writing, math and technology. Demonstration of these skills must become a pre-requisite for receiving a high school diploma. Students who fail can take the exam again in the eleventh grade and again in the twelfth. But if their class graduates and they have not passed, they will not receive a diploma, only a certificate of completion. The door will always be open for a certificate holder to come back at any point to master the basic skills and trade up for a diploma. A diploma must be a meaningful guarantee of competence, not just a verification of attendance.

In the 21st Century, we need to pick up the pace and velocity of learning at every level of education, and the state can provide some incentives for more students to do that. I propose an exciting new scholarship called the New Century Scholarship. Under this program, any student who achieves a two-year associate degree at the same time they complete their high school requirements will be given a scholarship for two more years at a four-year state college or university. The value of the tuition alone is \$15,000. Many students are wasting major parts of their senior year not being challenged, having taken most of their required courses



already. Some goof off. Others do what Sandra Clark did. When Sandra graduated from San Juan High School last year, she got an Associate of Arts degree from the College of Eastern Utah at the same time she got her high school diploma. At age 18, she is a university junior who will have a bachelor's degree in international business before she turns 20. There are students all over the state doing the same thing. More of them must be challenged. The third piece of the education package focuses on middle schools. The crossroads of education. That head-spinning time when a kid suddenly determines he has too many teachers and not enough nose rings. Our middle schools are becoming a place of distraction, overcrowded classrooms and outsized behavior. There are few options now -- detention at \$140 a day or sending them home and potential trouble like crime and teen pregnancy. Last year, you funded a reduction in middle-school class sizes. This year, we have to continue shrinking those classes. I also propose the creation of a series of alternative schools with a highly supervised, structured environment designed specifically for students who refuse to keep the rules of society and are not yet ready to learn with the mainstream.

Number four is quality teaching. Our schools are full of dedicated and remarkable teachers, most of whom work long hours, giving more than expected, being paid less than they are worth. In a vast universe of good, there are a handful who do not meet the expectations of performance. And frankly, we've made dismissing an ineffective teacher so hard it can take years. Many administrators are just flat unwilling to try. No one wants this problem solved more than good teachers. This week I put that subject by e-mail to Utah's 20,000 teachers, and in just one day, over 1,000 responded. The overwhelming majority favor taking action to strengthen teacher review. During this session, I will support legislation that would provide principals with additional tools, and hopefully courage, to move when necessary.

## **HIGHER EDUCATION**

Our colleges and universities will be required to assume a greater role. The realities of the Information Age will require that they rapidly and repeatedly deliver new levels of knowledge to every Utah worker. By necessity, expectations will expand faster than budgets. This is a problem faced worldwide. Nations who balance the equation will be greatly advantaged in the 21st Century race for prosperity. Our Board of Regents is currently engaged in the development of a new master plan. They are faced with difficult questions about the role and mission of each campus, the place and realistic benefit of technology and the balancing of research and teaching. To the Board of Regents, I say...you must get this job done soon. The world is not waiting for you, and the Utah Legislature cannot wait long either. To the rest of us, I believe we must show the discipline necessary to refrain

from actions that may seem at the moment to create equity, but in the long run may only memorialize inefficiency.

### **QUALITY GROWTH**

In this new world nothing is as certain in this state as growth. Our population is expanding from within. It is our children and our grandchildren. But those choices are not without consequences as green fields become subdivisions and water supplies dwindle. This is a moment in time to shape this generation's obligation and opportunity. How will it be used? Will we continue to grow without plan or purpose or will our course be guided by wisdom and logic. Three-and-a-half years ago our state undertook a historic growth summit. The result was the Centennial Highway Fund, a \$3.8 billion dollar, 10-year statement of optimism and investment in transportation and community. I-15 reconstruction has now hit the halfway point. It is on schedule and on budget. Other road projects are under way in nearly every county and city of the state. Selection of an acceptable route has delayed Legacy Parkway. But we must continue moving forward to plan the improvements that will sustain and outlast a generation. That means we must expand I-15 and widen it in each direction between Salt Lake and Farmington.

Tonight I reference two additional steps that now follow. The first is a community effort known as Envision Utah, a private-public partnership created to paint alternative pictures of what we want our communities to look like in the year 2020. Tonight, I call on Utahns to participate, to view this as an obligation of citizenship. The future is ours to define, but we must start with a vision. A vision that represents the collective view of each and every Utahn. This process will not produce a consensus, nor will the debate always be harmonious, but the discussion is an essential one. Decisions must remain in the hands of local communities, city councils, county commissions and legislators. But the decisions will be dramatically better when driven by an informed electorate with an eye focused clearly on the future. The second step I've spoken of is the Quality Growth Act of 1999 a clear policy statement that we will preserve open space, reject sprawl and value housing for our families as a high priority. There is dramatic need for an effort on the part of cities and towns to assure that all kinds of housing will be found in every community. A good economy is a hollow victory if our children cannot afford to live in the town they grew up in. Local control, central coordination, is the guiding principle.

### **SAFE STATE**

It is a given of growth that we will expand and change. The upside to that is progress and a buoyant economy. The downside is crime. Since 1993, state

government has increased crime-related budgets 81 percent. We must continually expand prison space, address trends like the increasing number of violent juvenile offenders and seek new and better ways of prevention. And we will. Once again this year we will add more beds to our adult and juvenile facilities. We will put more troopers on our highways armed with the modern tools of technology. We will continue to push prevention and intervention through programs that make a difference. Programs like the Third Judicial District's Drug Court, which combines intensive monitoring, treatment and personal accountability to give non-violent drug offenders one shot and one final alternative to jail.

This year, we also have to fix an injustice in our corrections system by raising the pay of our corrections officers. Currently we train and certify them, then offer them salaries 31 percent lower than the competitive wage paid by local law enforcement agencies. We must retain officers like Sgt. Ron Wilson, who stands between us and the dangerous in society as a maximum security officer at Utah State Prison. I've walked those same corridors and looked into the faces of some of society's most troubled and violent people. And I'm thankful for Ron and his colleagues. They protect our kids but because of the pay situation cannot afford things like Junior Jazz or little league for their own kids. That's a compelling reason to pay him and his colleagues more fairly.

## **CARING STATE**

A duty of compassion is as much an obligation as protection. Last year, I outlined plans for a new Utah Child Welfare Foundation, a partnership of church, community, civic and state entities that would join forces to recruit and train more foster families. This year I am proposing a \$1 million appropriation so that we can meet our Utah's Promise goal of 3,000 foster families by the end of this decade. Our resolve must continue to move more families from the cycle of dependency to self-sufficiency. Since 1993, welfare caseloads have dropped from 20,900 to 11,500. Our system has been improved by time-limiting benefits. Welfare was never intended as a lifetime entitlement but as temporary assistance. That has motivated 9,000 people to achieve self-sufficiency. No one wants self-sufficiency more than this state and the people struggling to achieve it.

## **ENVIRONMENT**

Our willingness to confront challenges must now turn to the panorama of the environment. Earlier this month, we celebrated the completion of the largest land exchange in the United States since the Louisiana Purchase; a state and national swap involving thousands of acres of school trust lands. In the long term, this transaction will bring more than a billion dollars to Utah's school children. In immediate terms, it has resolved a problem that plagued us for decades. After

years of stalemate, the solution arrived when state and national leaders partnered with local governments and environmental groups to zero in on a common goal and then build toward it. The result is a showcase example of a new environmental doctrine called Enlibra -- a name formed of Latin derivatives and a concept born of the Western experience. It means balance and stewardship, and it is in that spirit that we will apply it as formal policy in my administration. There is one other area of environmental interest where a self-defeating trend is reversible and decades of divisiveness may soon be history. Two years ago, I stood in this same spot and urged anyone ever sustained or smitten by our wild and scenic lands to start working toward an agreement on how to preserve them incrementally. I proposed then that we accept gradual progress in the wilderness debate instead of forever-delayed perfection. Tonight, I renew that call. All that is needed now are willing parties. The solution, as we now know, can be found in cooperation, the best practices of the West and a clear path to achievement through balance and good stewardship.

## **NUCLEAR WASTE**

Another issue of land use, stewardship and public safety also is moving forward. That is our vehement opposition to the storage of nuclear waste on lands controlled by the Goshute Indians in Utah's west desert. This is a fight we entered at a disadvantage but one we will not abandon. It is not the state of Utah versus a small, struggling Indian nation. It is one state slugging it out with 11 major utility companies eager to spend billions of dollars of ratepayer money to move high-level nuclear waste out of their yards into ours, where it would remain lethally "hot" from now until the year 11,999. It is not fair to our people and our future, and we will not have it. I'd like to announce that permission will not be granted for rail crossings in the area where operation requires state approval. I also will support legislation this session to strip away an existing shield of limited liability protection and make utility companies directly liable for nuclear waste transportation. In addition, Congressman Jim Hansen has agreed to introduce federal legislation that would exchange state and BLM lands to form a "moat" around the Goshute "island." The drawbridge will be raised to the waste-storage utilities and permission to cross refused ... no matter what the price. This is a state of redrock castles, not spent-fuel casks.

## **NATIONAL ISSUES**

Tonight Utah has other opportunities that reach beyond its borders. Those include the Western Regional Primary, which will make this state and the West a player in a presidential nominating process that currently overlooks us. By approving the primary date now set for March 10, 2000, the Legislature will ensure that Utah's voice is heard in determining the leader of the free world.

Tonight I have outlined the collective aspirations of a state and a people. We are the proudest of Americans, the most irrepressible of individuals. We know who we are: The cowboy entrepreneur. A state of breathtaking landscapes and unflagging ideals. The new Western heartland. We are optimism, hope and expansiveness. And underneath them all we are believers in the worth of humanity and our obligation to uplift it.

Let me close now with an introduction to Jill and Carl Dastrup, who applied to become foster parents, underwent months of waiting and training, and when the call came to take a child said yes not to one, but to five young children from a home that had failed them. Out of an enormous capacity for love and a respect for the bond of siblings came permanent adoption. And now four little brothers and a sister are growing up together in a home with health, security and loving parents. This case is the happiest of endings for the Department of Human Services. The Dastrups call it a miracle. Outside their children's rooms hangs a hand-stitched sign that reads, "No act of love, however small, is ever wasted." I'd like Jill and Carl to stand so the people of this state can see the faces of kindness and compassion. There are no limits for a place with such people. The 45th state was born of resolve and self-determination in a nation constituted by freedom. We look ahead to the next horizon. We vanquish setback by towering above it. We turn our darkest moment into our finest hour. That is the nature of America, and that is the character of Utah.

Thank you, good night, and may God bless Utah.

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On motion of Senator Hillyard, the Joint Convention was dissolved, and the Senate and House of Representatives stand adjourned until 10:00 a.m. Tuesday, January 19, 1999.



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